City Council Introduction: **Monday**, July 2, 2001 Public Hearing: **Monday**, July 9, 2001, at **1:30** p.m.

FACTSHEET

TITLE: PRELIMINARY PLAT NO. 00001, HAWKSWOOD ESTATES, requested by Olsson Associates, for 27 lots with associated waiver requests, on property generally located south and west of South 70th Street and Old Cheney Road.

STAFF RECOMMENDATION: Conditional Approval.

ASSOCIATED REQUEST: Change of Zone No. 3238 (01-107).

SPONSOR: Planning Department

BOARD/COMMITTEE: Planning Commission

Public Hearing: 07/26/00; 09/06/00; 10/04/00; 10/18/00;

Bill No. 01R-171

02/21/01; and 03/21/01

Administrative Action: 03/21/01

RECOMMENDATION: Conditional Approval, with amendments (7-0: Krieser, Hunter, Taylor, Steward, Carlson, Newman and Bayer voting 'yes'; Duvall and Schwinn absent).

FINDINGS OF FACT:

- 1. This preliminary plat and the associated Change of Zone No. 3238 were heard at the same time before the Planning Commission. There were six public hearings. The Minutes of the Planning Commission meetings are found on p.19-35. Originally, there were two changes of zone associated with this preliminary plat (Change of Zone No. 3238 from AGR to R-3 and Change of Zone 3239 from R-1 to R-3); however, on October 13, 2000, Change of Zone No. 3239 was withdrawn and Change of Zone No. 3238 was amended to be AGR to R-1 (instead of R-3). See p.69.
- 2. The applicant's testimony is found on p.19-21; 24-26; 30-31; and 33-34. Testimony in support is found on p.21-22; 27-29; and 31-33, and the record consists of eight letters in support of the development as resubmitted and proposed by the applicant (p.70-80).
- 3. There was no testimony in opposition. The record consists of one letter in opposition from Zane C. Fairchild (p.81); however, the minutes reflect testimony on behalf of the Fairchilds in support (p.22; 28; and 33).
- 4. Subsequent to the original submittal, the applicant requested to add a cul-de-sac on South 68th Street. The revised submittal had public hearing on February 21 and March 21, 2001. The minutes which apply to the revised preliminary plat which is being submitted to the City Council are found on p.24-35.
- 5. The Protective Covenants submitted by the applicant on October 4, 2000, are found on p.49-56.
- 6. On March 21, 2001, the applicant submitted proposed amendments to the conditions of approval (p.57-61), drawings showing the alternative street extensions (p.62-64); and photographs (p.65-68). The predominant issue became the extension of 68th Street, which is a requirement of the staff recommendation (Condition #1.1.14). The letters in support are opposed to the extension of 68th Street.
- 7. On March 21, 2001, the Planning Commission voted 7-0 to approve the Planning staff recommendation of conditional approval, with the amendments as requested by the applicant, including the deletion of Condition #1.1.14 which required the extension of South 68th Street. (See Minutes, p.34-35).
- 8. On March 23, 2001, a letter reflecting the action of the Planning Commission and the revised conditions of approval was mailed to the applicant (p.2-7).
- 9. The Site Specific conditions of approval required to be completed prior to scheduling this application on the Council agenda have been submitted by the applicant, approved by the reviewing departments and the revised site plan is attached (p.38).

FACTSHEET PREPARED BY: Jean L. Walker REVIEWED BY:

REFERENCE NUMBER: FS/CC/FSPP00001

DATE: June 25, 2001

DATE: June 25, 2001

March 23, 2001

Olsson Associates Jack Lynch 1111 Lincoln Mall Lincoln NE 68508

Re: Preliminary Plat No. 00001

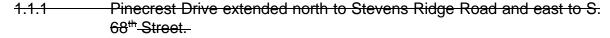
HAWKSWOOD ESTATES

Dear Mr. Lynch:

At its regular meeting on Wednesday, **March 21, 2001**, the Lincoln-Lancaster County Planning Commission granted approval to your preliminary subdivision, **Hawkswood Estates**, located in the general vicinity of **south and west of S. 70**th **Street and Old Cheney Road**, subject to the following conditions:

Site Specific:

- 1. After the subdivider completes the following instructions and submits the documents and plans to the Planning Department office, the preliminary plat will be scheduled on the City Council's agenda: (NOTE: These documents and plans are required by ordinance or design standards.)
 - 1.1 Revise the preliminary plat to show:



Or

Should the Planning Commission choose not to require the street extensions then as an alternative require a 60' wide corridor extending north from the proposed permanent dead end of Pinecrest to Stevens Ridge Road and east from Pinecrest to S. 68th Street to reserve an area for future streets and utilities.

Pursuant to the Fire Department request, provide fire hydrants pursuant to the City of Lincoln's Design Standards and add a note stating that the Applicant understands and agrees to limit parking to only one side of Pinecrest Drive.

(**Per Planning Commission, 03/21/01**)

1.1.2 The depth of the sanitary sewer not be more than 15' deep.

- 1.1.3 The on-site water system designed to conform to design standards to prevent problems of varying water pressure, potential stagnant water and potential fire flow problems. The water main shown east and north of Pinecrest Place must have a minimum 30' wide easement.
- 1.1.4 Provide all drainage calculations including storm water detention calculations as required by the Land Subdivision Ordinance.
- 1.1.5 The grading plan designed to match proposed and existing street grades in 70th Street & Old Cheney Road and the approved street cross section.
- 1.1.6 Add a note stating the elevation of the headwater behind the culvert in Hawkswood Circle and the potential flood elevation in Lot 8, Block 2 and stating that the lowest opening to the dwelling on the lot will be above the low point in Hawkswood Circle.
- 1.1.7 Sidewalks located on at least one side of the interior streets.
- 1.1.8 The grading for the driveway and storm sewer for Lot 23, Block 2.
- 1.1.9 The street cross section designed to provide an area for a sidewalk on at least one side and as acceptable to the Public Works & Utilities Department.
- 1.1.10 The word "roadway" changed to "street" in note #5.
- 1.1.11 The street trees and landscape screens located outside the future right-of-way of Old Cheney Road and S. 70th Street and the species changed for Hawkswood Circle and Pinecrest Place as recommended by the Parks & Recreation Department.
- 1.1.12 Utility easements requested by the Feb. 2.'01 LES report.
- 1.1.13 The width of Old Cheney Road and S. 70th Street are labeled as 50' from the center line of the street.
- 1.1.14 S. 68th Street extended north through the area to Steven Ridge Road. (**Per Planning Commission, 03/21/01**)
- 1.1.15 If Pinecrest Drive is approved as a permanent dead end street the name is changed to include the suffix Circle, Court, Place, or Bay. The land owners abutting the existing street agree in writing to the new name.
- 1.1.16 Public water main extended to serve the lots along South 68th Street Circle.

- 1.1.17 Add a note indicating that Outlot A is a non-buildable lot and shall be maintained on a permanent and continuous basis by an association of property owners approved by the City Attorney. As an alternative Lot 15 Block 2 is expanded to include all of Outlot A.
- 2. The City Council approves associated request:
 - 2.1 Change of Zones #3238.

2.2 Waivers:

- Increase the street lighting interval beyond the 240' maximum to 480-500'. (Lincoln Electric System Administrative Policies in the Land Subdivision Design Standards)
- 2. Increase the roadway approach grades beyond 2% maximum to 3%. (Urban Street Design Standards Vertical Grades in the Land Subdivision Design Standards)
- 3. Sidewalks along only one side of the interior streets. (Section 26.27.020 of the Land Subdivision Ordinance)
- 4. Eliminate curb & gutters for the streets and allow rural roadway cross section. (Section 26.27.010 of the Land Subdivision Ordinance)
- 5. Allow the water mains and sanitary sewers to be located 15.5' from center line rather than the standard 17'. (Water Main Design Criteria Location and Sanitary Sewer Design and Construction Manual Location in the Land Subdivision Design Standards)
- 6. Allow the roadside ditches to carry the storm water rather than storm sewers provided the abutting property owners are responsible for the maintenance of the roadway side ditches and the culverts. (Stormwater Drainage Design Standards Location and Alignment in the Land Subdivision Design Standards)
- 7. Allow the transfer of sanitary sewerage from one drainage basin into another basin provided the depth of the sewer does not exceed 15'. (Sanitary Sewer Design and Construction Manual Drainage Area Restrictions in the Land Subdivision Design Standards).
- 8. Increase block lengths beyond the 1,320' maximum for Stevens Ridge Road. (Section 26.23.130 Block Sizes of the Land Subdivision Ordinance). (**Per Planning Commission, 03/21/01**)

- 9. Increase the length of permanent dead-end streets beyond 1000' maximum. (Section 26.23.080 Dead-end Streets of the Land Subdivision Ordinance). (**Per Planning Commission, 03/21/01**)
- 3. The City Council deny the following requested waivers:
- 1. Increase block lengths beyond the 1,320' maximum. (Section 26.23.130 Block Sizes of the Land Subdivision Ordinance).
- 2. Increase the length of permanent dead end streets beyond 1000' maximum.(Section 26.23.080 Dead-end Streets of the Land Subdivision Ordinance).

(**Per Planning Commission, 03/21/01**)

General:

- 3. Final Plats will be scheduled on the Planning Commission agenda after:
 - 3.1 Streets, sidewalks, public water distribution system, public wastewater collection system, drainage facilities, ornamental street lights, landscape screens, street trees, temporary turnarounds and barricades, street name signs, and permanent survey monuments have been completed or the subdivider has submitted a bond or an approved escrow of security agreement to guarantee their completion.
 - 3.2 The off site water mains and sanitary sewers are extended to the site or a method that guarantees the construction of the extension of the water mains and sanitary sewers to the site has been approved by the City.
 - 3.3 The subdivider has signed an agreement that binds the subdivider, its successors and assigns:
 - 3.3.1 To submit to the Director of Public Works an erosion control plan.
 - 3.3.2 To protect the remaining trees on the site during construction and development.
 - 3.3.3 To pay all improvement costs except those costs the City Council specifically subsidizes.
 - 3.3.4 To submit to lot buyers and home builders a copy of the soil analysis.
 - 3.3.5 To continuously and regularly maintain street trees and landscape screens that are located adjacent to Old Cheney Road and S. 70th Street.
 - 3.3.6 To complete the private improvements shown on the preliminary plat.

- 3.3.7 To maintain the outlots and private improvements on a permanent and continuous basis. However, the subdivider may be relieved and discharged of this maintenance obligation upon creating in writing a permanent and continuous association of property owners who would be responsible for said permanent and continuous maintenance. The subdivider shall not be relieved of such maintenance obligation until the document or documents creating said property owners association have been reviewed and approved by the City Attorney and filed of record with the Register of Deeds.
- 3.3.8 To relinquish the right of direct vehicular access from those lots abutting Old Cheney Road and S. 70th Street.
- 3.3.9 To comply with the provisions of the Land Subdivision Ordinance regarding land preparation.
- 3.3.10 To continuously and regularly maintain the roadside ditches and drive culverts.

The findings of the Planning Commission will be submitted to the City Council for their review and action. You will be notified by letter if the Council does not concur with the conditions listed above.

You may appeal the findings of the Planning Commission to the City Council by filing a notice of appeal with the City Clerk. The appeal is to be filed within 14 days following the action by the Planning Commission. You have authority to proceed with the plans and specifications for the installation of the required improvements after the City Council has approved the preliminary plat. If you choose to construct any or all of the required improvements prior to the City's approval and acceptance of the final plat, please contact the Director of Public Works before proceeding with the preparation of the engineering plans and specifications. If the required minimum improvements are not installed prior to the City Council approving and accepting any final plat, a bond or an approved Agreement of Escrow of Security Fund is required.

The approved preliminary plat is effective for only ten (10) years from the date of the City Council's approval. If a final plat is submitted five (5) years or more after the effective date of the preliminary plat, the City may require that a new preliminary plat be submitted. A new preliminary plat may be required if the subdivision ordinance or the design standards have been amended.

You should submit an ownership certificate indicating the record owner of the property included within the boundaries of the final plat when submitting a final plat.

The Subdivision Ordinance requires that there be no liens of taxes against the land being final platted and that all special assessment installment payments be current. When you submit a final plat you will be given forms to be signed by the County Treasurer verifying that there are no liens of taxes and by the City Treasurer verifying that the special assessment installment payments are current.

Sincerely,

Russell J. Bayer, Chair City-County Planning Commission

cc: Owner

Public Works - Dennis Bartels

LES

Alltel Communications Co.

Cablevision

Fire Department

Police Department

Health Department

Parks and Recreation

Urban Development

Lincoln Public Schools

County Engineers

City Clerk

File (2)

LINCOLN CITY/LANCASTER COUNTY PLANNING STAFF REPORT

P.A.S.#: Hawkswood Estates Preliminary Plat #00001 Date: February 12, 2001

As Revised by Planning Commission 03/21/01

PROPOSAL:

Create 27 lots Waivers:

- 1. Increase the street lighting interval beyond the 240' maximum to 480-500'.
- 2. Increase the roadway approach grades beyond 2% maximum to 3%.
- 3. Eliminate sidewalks along one side of the interior streets.
- 4. Eliminating curb & gutters for the streets and allow rural roadway cross section.
- 5. Allow the water mains and sanitary sewers to be located 15.5' from center line rather than the standard 17'.
- 6. Allow the roadside ditches to carry the storm water rather than storm sewers.
- 7. Allow the transfer of sanitary sewerage from one drainage basin to another basin.
- 8. Increase block lengths beyond the 1,320' maximum.
- 9. Increase the length of permanent dead end streets beyond 1000' maximum.

GENERAL INFORMATION:

APPLICANT:

Jack Lynch Olsson Associates 1111 Lincoln Mall P.O. Box 84608 Lincoln, Ne 68501-4608

LAND OWNERS:

Robert Beck,
Kit Dimon,
Diane Oldfather,
Zane and Ethel Fairchild,
Alan Embury,
Vincent and Janice Goracke,
Herbert and Barbara Griess

LOCATION:

South and west of S. 70th Street and Old Cheney Road

LEGAL DESCRIPTION:

Lots 139 I. T., 71 I. T., 52 I. T., 54 I. T., 55 I. T., 57 I. T. and a portion of 70 I. T. located in the NE¼, sec. 16,T9N, R7E.

REQUESTED ACTION:

Approve preliminary plat including waivers.

EXISTING ZONING:

R-1 Residential, R-3 Residential and AGR Agricultural Residential.

PURPOSE:

To create additional lots and preserve the rural character.

SIZE:

31.32 acres more or less

EXISTING LAND USE:

7 Single family acreages.

SURROUNDING LAND USE AND ZONING:

To the north across Old Cheney Road are single family homes zoned R-1,

to the east across S. 70th Street are attached single family homes and single family acreages zoned R-3 and AGR,

to the south are single family acreages zoned AGR,

to the west are single family acreages zoned R-1 and AGR.

COMPREHENSIVE PLAN SPECIFICATIONS:

The Land Use Plan shows the area as Low Density Residential.

Low density residential encompasses residential areas with densities which usually range from 1 to 5 acres per dwelling unit with a typical density of 3 acres per dwelling unit, also referred to as acreages. (Page 38)

Lowdensity residential areas ... within the Lincoln City Limits, should be designed to become incorporated into the City. (Page 52)

Neighborhoods are one of Lincoln's great strengths and their conservation is fundamental to this plan. The health of Lincoln's varied neighborhoods and districts depends on implementing appropriate and individualized policies. (PAGE 36a)

As Lincoln ... grows, it will (should) respect its important environmental resources and use them to enhance the quality of urban and rural development. (Page 36a)

HISTORY:

September 4, 1962: City Council approved the Sheldon Heights Final Plat, which

platted seven lots on property to the west.

January 3, 1977: City Council approved Change of Zone#1509, which changed the

zoning east of S. 70th from A-A Rural and Public Use to A-1 Single

Family.

March 13, 1979: City Council approved the Edenton South Preliminary Plat, on

property to the east.

1979: Zoning Update changed this area from A-A Rural and Public Use

to R-1 Residential and AGR Agricultural Residential.

August 4, 1980: City Council approved the Hickory Crest Preliminary Plat on

property to the north. This was superceded by the Hickory Crest 1st

Addition Preliminary Plat in 1991.

February 10, 1986: City Council approved the Hickory Crest Final Plat on property to the

north.

April 11, 1988: City Council approved the Southfork Estates Preliminary Plat on

property to the south.

October 24, 1988: City Council approved the Edenton South Preliminary Plat on

property to the east. This replaced the Edenton South Preliminary

Plat which had exceeded the 10 year time limit.

April 10, 1989: City Council approved the Southfork Estates Final Plat on property

to the south.

December 2, 1991: City Council approved the Hickory Crest 1st Addition Preliminary Plat on

property to the north.

May 18, 1992: City Council approved the Hickory Crest 1st Addition Final Plat on

property to the north.

December 29, 1995: The Planning Director approved the Hickory Crest 2nd Addition

Administrative Final Plat on property to the north.

May 6, 1996 The City annexed this area plus the area to the west.

July 22, 1996: City Council approved Special Permit #1607, the Edenton South

1st Addition CUP, which allowed the construction of 39 dwelling units on property east of S.70th. At the same time, Council approved Change of Zone #2982, which changed the zoning at the southeast corner of S. 70th and Old Cheney from R-1Residential to R-3 Residential, and the Edenton South 1 st Addition Preliminary

Plat.

January 15, 1997: Planning Commission approved the Hickory Crest 4th Addition

Final Plat on property to the north.

October 18, 1999: City Council approved Change of Zone #3181, which changed the

zoning on the southwest corner of S. 70th and Old Cheney from R-1 Residential to R-3 Residential and the Fairchild Estates

Preliminary Plat.

October 18, 2000: Planning Commission placed this item on pending at the request

of the applicant.

SPECIFIC INFORMATION:

UTILITIES:

The Public Works & Utilities Department reports:

Water - The water system in Southfork Estates is private. South 68th Street Circle, therefore, has no access to public water. The water main shown east and north of Pinecrest Place is shown in a 20' easement. A minimum 30' easement is required.

Sanitary Sewer - At this time there is no sanitary sewer outlet at the west boundary of this plat for the sewer shown in Pinecrest Place. No final plats can be approved until a sewer outlet is available.

No outlet for sewer is available at the northwest corner of this plat in Old Cheney. No final plats can be approved for lots served by this sewer until an outlet is available.

The sewer in Stevens Ridge Road runs opposite street grades and requires an exception to design standards. The route has been changed, but no information given concerning proposed depths. If the depths are 15' or less, Public Works recommends approval of this design standard exception.

Drainage and Grading - The grades and grading shown do not match existing 70th Street grades. The grading shown along Old Cheney Road does not meet the proposed grading for the Old Cheney Road project. No drainage area assumptions are shown for the drainage under 70th Street draining to 68th Street Circle.

No storm water detention is shown, no justification for waivers is shown, and no waiver requested.

The access for Lot 23, Block 2 is shown as a 5' wide bottom drainage ditch. Grading for the driveway and storm sewer needed must be shown.

Irecommend minimum openings to Lot 8, Block 2 be above the low point in Hawkswood Circle rather than the theoretical 100 year headwater. The lot will flood at a lower frequency storm if the culvert is plugged.

TOPOGRAPHY:

The northern portion of the plat slopes to the northwest.

The southern portion of the plat slopes to the southwest.

TRAFFIC ANALYSIS:

The proposed street pattern requires waivers to the length of blocks and the length of permanent dead end streets.

The Public Works & Utilities Department recommends 68th Street Circle be extended to Stevens Ridge Road. This will provide an additional street outlet for Southfork Estates to the south and shorten the excessive block length along Stevens Ridge Road.

The Public Works & Utilities Department indicates that extending Pinecrest Place to Stevens Ridge Road would eliminate a block length problem and provide a standard location for the water main rather than a cross country easement.

PUBLIC SERVICES:

The nearest City fire station is located at 27th & Old Cheney Road.

REGIONAL ISSUES:

When and how will this entire area between Old Cheney Road, HWY 2 and S. 70th Street be redeveloped 30 or more years from now. This design with limited interior circulation could constrain future subdivision of the land in the future.

ENVIRONMENTAL CONCERNS:

The preservation of the existing tree masses.

AESTHETIC CONSIDERATIONS:

Preserving the existing character of the area but planning now for the orderly redevelopment 30 or more years from now.

ANALYSIS:

- 1. It is understandable why the owners do not want a street pattern that conforms to the maximum block length and maximum length of dead end streets at this time. However 30 or more years from now if the then owners want to redevelop the area what is approved today should not be a constraint. Setting aside a 60' wide area extending north from the proposed permanent dead end of Pinecrest to Stevens Ridge Road and east from Pinecrest to S. 68th Street would at least reserve a corridor for future streets and utilities but would not disturb the character of the area today.
- 2. At this time city water and sanitary sewers have not been extended to the area of this preliminary plat. Final plats of this preliminary plat must not be approved until the off site water mains and sanitary sewers are extended to the site or a method that guarantees the construction of the extension of the water mains and sanitary sewers to the site has been approved by the City.
- 3. The Public Works & Utilities Department has the following comments regarding the requested waivers:

Does not object to the increased separation between street lights.

Finds the exception to the standard approach street grades as requested satisfactory.

Recommends that sidewalks be provided along at least one side of the proposed street system. The rural section roads must accommodate sidewalks, even if the walks are waived on one or both sides of the street. The typical section shows the sidewalks could be constructed at the property line.

Recommends approval of the rural cross-section, provided that property owners are responsible for maintenance of the roadside ditch and driveway culverts.

Finds the exception to the standard sewer and water locations are satisfactory if the rural roadway section is approved.

Finds the exception to the sanitary sewer standards is satisfactory if the depth of the sewer is not deeper than 15' which is another design standard.

Objects to waiving the standard cul de sac length and block length.

4. The Lincoln-Lancaster County Health Department reports roadway ditches are inclined to wash out unevenly creating potholes in the ditch bottoms which if allowed enough time will raise

mosquitoes. They have already received complaints from the public about these conditions. If the potholes could be prevented they would not object to the open ditches.

The Lincoln-Lancaster County Health Department indicates that all existing houses must connect to the City sanitary sewer system within six (6) months after the sewer is available and must either connect to the City water supply and the wells abandoned or obtain an annual well permit.

- 5. The Public Works & Utilities reports that the grading and drainage plans do not match street grades and they lack information including calculations relating to storm water detention.
- 6. All the lots meet or exceed the lot area requirements of the proposed R-1 district.
- 7. The Public Works & Utilities Department recommends the minimum openings to Lot 8, Block 2 be above the low point in Hawkswood Circle rather than the theoretical 100 year headwater. The lot will flood at a lower frequency storm if the culvert is plugged.
- 8. The proposed landscape screen along Old Cheney Road and S. 70th Street meets design standards. However the proposed street trees and landscape screen must be planted outside of the proposed street right-of-way.
- 9. The Parks & Recreation Department recommends a greater diversity of tree species and indicates Aristocrat Pear for Hawkswood Circle and Swamp White Oak for Pinecrest Place.

STAFF RECOMMENDATION:

Conditional approval

CONDITIONS:

Site Specific:

- 1. After the subdivider completes the following instructions and submits the documents and plans to the Planning Department office, the preliminary plat will be scheduled on the City Council's agenda: (NOTE: These documents and plans are required by ordinance or design standards.)
 - 1.1 Revise the preliminary plat to show:

| 1 1 1 | Dincoract Drive extended parth to Stayone Didge Dood and east to S |
|-------|---|
| 1.1.1 | Tillecrest Drive extended north to Stevens Mage Moad and east to S. |
| | 68 th -Street. |

Or

Should the Planning Commission choose not to require the street extensions then as an alternative require a 60' wide corridor extending north from the proposed permanent dead end of Pinecrest to Stevens Ridge Road and east from Pinecrest to S. 68th Street to reserve an area for future streets and utilities.

Pursuant to the Fire Department request, provide fire hydrants pursuant to the City of Lincoln's Design Standards and add a note stating that the Applicant understands and agrees to limit parking to only one side of Pinecrest Drive.

(**Per Planning Commission, 03/21/01**)

- 1.1.2 The depth of the sanitary sewer not be more than 15' deep.
- 1.1.3 The on-site water system designed to conform to design standards to prevent problems of varying water pressure, potential stagnant water and potential fire flow problems. The water main shown east and north of Pinecrest Place must have a minimum 30' wide easement.
- 1.1.4 Provide all drainage calculations including storm water detention calculations as required by the Land Subdivision Ordinance.
- 1.1.5 The grading plan designed to match proposed and existing street grades in 70th Street & Old Cheney Road and the approved street cross section.
- 1.1.6 Add a note stating the elevation of the headwater behind the culvert in Hawkswood Circle and the potential flood elevation in Lot 8, Block 2 and stating that the lowest opening to the dwelling on the lot will be above the low point in Hawkswood Circle.
- 1.1.7 Sidewalks located on at least one side of the interior streets.
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- 1.1.12 Utility easements requested by the Feb. 2.'01 LES report.
- 1.1.13 The width of Old Cheney Road and S. 70th Street are labeled as 50' from the center line of the street.

- 1.1.14 S. 68th Street extended north through the area to Steven Ridge Road. (**Per Planning Commission, 03/21/01**)
- 1.1.15 If Pinecrest Drive is approved as a permanent dead end street the name is changed to include the suffix Circle, Court, Place, or Bay. The land owners abutting the existing street agree in writing to the new name.
- 1.1.16 Public water main extended to serve the lots along South 68th Street Circle.
- 1.1.17 Add a note indicating that Outlot A is a non-buildable lot and shall be maintained on a permanent and continuous basis by an association of property owners approved by the City Attorney. As an alternative Lot 15 Block 2 is expanded to include all of Outlot A.
- 2. The City Council approves associated request:
 - 2.1 Change of Zones #3238.
 - 2.2 Waivers:
 - Increase the street lighting interval beyond the 240' maximum to 480-500'. (Lincoln Electric System Administrative Policies in the Land Subdivision Design Standards)
 - 2. Increase the roadway approach grades beyond 2% maximum to 3%. (Urban Street Design Standards Vertical Grades in the Land Subdivision Design Standards)
 - 3. Sidewalks along only one side of the interior streets. (Section 26.27.020 of the Land Subdivision Ordinance)
 - 4. Eliminate curb & gutters for the streets and allow rural roadway cross section. (Section 26.27.010 of the Land Subdivision Ordinance)
 - 5. Allow the water mains and sanitary sewers to be located 15.5' from center line rather than the standard 17'. (Water Main Design Criteria Location and Sanitary Sewer Design and Construction Manual Location in the Land Subdivision Design Standards)
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- 7. Allow the transfer of sanitary sewerage from one drainage basin into another basin provided the depth of the sewer does not exceed 15'. (Sanitary Sewer Design and Construction Manual Drainage Area Restrictions in the Land Subdivision Design Standards).
- 8. Increase block lengths beyond the 1,320' maximum for Stevens Ridge Road. (Section 26.23.130 Block Sizes of the Land Subdivision Ordinance). (**Per Planning Commission, 03/21/01**)
- 9. Increase the length of permanent dead-end streets beyond 1000' maximum. (Section 26.23.080 Dead-end Streets of the Land Subdivision Ordinance). (**Per Planning Commission, 03/21/01**)
- The City Council deny the following requested waivers:
- 1. Increase block lengths beyond the 1,320' maximum. (Section 26.23.130 Block Sizes of the Land Subdivision Ordinance).
- 2. Increase the length of permanent dead end streets beyond 1000' maximum.(Section 26.23.080 Dead-end Streets of the Land Subdivision Ordinance).

(**Per Planning Commission, 03/21/01**)

General:

- 3. Final Plats will be scheduled on the Planning Commission agenda after:
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 - 3.3.1 To submit to the Director of Public Works an erosion control plan.
 - 3.3.2 To protect the remaining trees on the site during construction and development.

- 3.3.3 To pay all improvement costs except those costs the City Council specifically subsidizes. 3.3.4 To submit to lot buyers and home builders a copy of the soil analysis. 3.3.5 To continuously and regularly maintain street trees and landscape screens that are located adjacent to Old Cheney Road and S. 70th Street. 3.3.6 To complete the private improvements shown on the preliminary plat. 3.3.7 To maintain the outlots and private improvements on a permanent and continuous basis. However, the subdivider may be relieved and discharged of this maintenance obligation upon creating in writing a permanent and continuous association of property owners who would be responsible for said permanent and continuous maintenance. The subdivider shall not be relieved of such maintenance obligation until the document or documents creating said property owners association have been reviewed and approved by the City Attorney and filed of record with the Register of Deeds.
- 3.3.8 To relinquish the right of direct vehicular access from those lots abutting Old Cheney Road and S. 70th Street.
- 3.3.9 To comply with the provisions of the Land Subdivision Ordinance regarding land preparation.
- 3.3.10 To continuously and regularly maintain the roadside ditches and drive culverts.

Prepared by:

Ray Hill Land Use Manager

CHANGE OF ZONE NO. 3238 and PRELIMINARY PLAT NO. 00001, HAWKSWOOD ESTATES,

PUBLIC HEARING BEFORE PLANNING COMMISSION:

July 26, 2000

Members present: Steward, Carlson, Newman, Taylor, Duvall and Schwinn; Hunter, Bayer and Krieser absent.

<u>Planning staff recommendation</u>: Approval of the changes of zone and conditional approval of the preliminary plat.

Ray Hill of Planning Staff submitted a correction to page 109, Item #4, of the staff report. The word "interior" should be stricken. This should apply to all streets including abutting 70th Street and Old Cheney Road.

Proponents

1. **Kent Seacrest** appeared on behalf of 7 different property owners. This is a very unique piece of real estate bound by 70th, Old Cheney Road and Hwy 2. It is a very, very wooded area. It is an old acreage development and the city has grown and engulfed this area. These are very large 5+ acre tracts and the owners came to him about a year ago in an effort to protect this neighborhood. Their vision is to attempt, through protective covenants, to not become urbanized but break the property up into smaller lots at an average of 1 acre, with city water and city sewer. It would be more dense than today but it would not wipe out the tree masses.

There are two roads that the staff wants this development to plan and create. Seacrest needs additional time to work with the property owners to come to a common position with regard to the staff conditions of approval.

There was no testimony in opposition.

Duvall moved to defer with continued public hearing and administrative action scheduled for September 6, 2000, seconded by Newman and carried 6-0: Steward, Carlson, Newman, Taylor, Duvall and Schwinn voting 'yes'; Hunter, Bayer and Krieser absent.

CONT'D PUBLIC HEARING BEFORE PLANNING COMMISSION:

September 6, 2000

Members present: Krieser, Newman, Hunter, Duvall, Schwinn, Taylor, Carlson and Bayer; Steward absent.

Proponents

1. Kent Seacrest representing six property owners seeking this preliminary plat explained that this is an application by existing acreages trying to survive with the City surrounding them. The developer has staff support of the proposed layouts and they have worked everything out except the road network. It is very problematic because some people are not going to like the staff solution which will not then carry out the vision of the applicants. Seacrest requested additional time to work on the neighborhood to solve this dilemma. Southfork is opposed to the road network so we they will need to work with them as well.

Seacrest requested a four week deferral until October 4, 2000.

Hunter moved to defer, with continued public hearing and administrative action scheduled for October 4, 2000, seconded by Krieser and carried 8-0: Krieser, Newman, Hunter, Duvall, Taylor, Schwinn, Carlson and Bayer voting 'yes'; Steward absent.

There was no other public testimony.

CONT'D PUBLIC HEARING BEFORE PLANNING COMMISSION:

October 4, 2000

Members present: Duvall, Schwinn, Steward, Carlson and Hunter; Krieser, Taylor, Newman and Bayer absent.

Ray Hill of Planning staff submitted a memo from the Fire Department indicating that they have agreed to the waiver of the street lengths as long as there are additional fire hydrants and that parking is limited to one side of the street.

Proponents

1. Kent Seacrest appeared on behalf of 6 property owners as the applicant coalition. There was a Comprehensive Plan Amendment done in 1994 that added low density residential. There was new language added that says we've got a lot of acreages and what we're going to do when the acreages are in the city limits. It says that 1-5 acres for a home site is appropriate inside the city. This application at 70th & Old Cheney Road is low density residential. The property is annexed. It is all acreages. What was envisioned was that in some instances it is appropriate to go down to 1 acre and give them city water and city sewer. This was one of the areas that Tim Stewart, former Planning Director, had envisioned--that we could have acreages on city water and city sewer and let them go to 1-acre. It was even envisioned that we were going to do a new zone dubbed AGR-1. AGR takes three acres. Seacrest thought that it was going to be AGR-1 but the staff has never brought that concept forward even though it is inferred in the Comprehensive Plan.

This group of property owners has done that vision. They have bound themselves together in a covenant where they are saying they want one acre or larger. Most of them have 5 acres today. This also says that they can also do clustering to protect some sensitive environmental areas as long as they average one acre per dwelling. The staff report suggested and assumed that they were going to turn this into regular urban residential, with 5-6 homes per acre.

Seacrest requested to amend Change of Zone 3238 to R-1 instead of R-3, and to withdraw Change of Zone No. 3239. In addition, Seacrest submitted proposed amendments to the conditions of approval on the preliminary plat. The staff wanted the applicant to put more roads in the development, but the property owners and neighbors do not desire those roads. The Fire Department now agrees with the applicant. The solution is the long cul-de-sac with parking on only one side. The Fire Department now supports the applicant's original proposed road network. Public Works is also in support of the original road network now that the Fire Department is satisfied.

Seacrest requested to add Condition #1.1.20, to remove South 68th Street and show a South 68th Street cul-de-sac (radius 60') between Lot 18, Block 2 and Lot 2, Block 3. 68th Street starts in Southfork to the south and dead-ends at their development. This development does not need that road. Southfork has requested that 68th Street not be extended. They have reached an agreement with key property owners in Southfork to put in a cul-de-sac at the end of their road. Three of the lots in this development then get access and there is no need to circulate back and forth. The Fire Dept. agrees with this amendment. This is an attempt to keep a rural character for this area without a lot of through traffic movement.

Seacrest further explained that this is a preliminary plat so that each of the property owners can go forward and start final platting if they so choose. Seacrest concurred with Schwinn that all the owners with a variety of acreages will have the ability to sell off portions of their property.

Seacrest noted that there were other neighborhoods in support of the new road network. We have moved the major street called Stevens Ridge Road which is used to connect to Old Cheney Road. We are now proposing that it be connected to Old Cheney across the street from Pheasant Run. Seacrest submitted a letter from the President of Pheasant Ridge Association in support of the proposal and agreeing to move the road across the street from them.

Seacrest stated that there is also support from two neighbors to the west who were not able to stay this afternoon.

- 2. Warren Johnson, 6801 Hickory Crest Road, immediately across Old Cheney on the northwest corner of 70th & Old Cheney, testified in support. He has lived there for 35 years. At the time that they all started out in this area, everybody had 5+ acre lots. This proposal has been reviewed with the property owners in Hickory Crest Addition and they are 100% in favor of this proposal. This is very compatible and it does not change the neighborhood any more because it has already changed on the north side of the road. He pointed out that they are moving the connection into Old Cheney from Hickory Crest to Pheasant Run. This is a very important and positive change. Hickory Crest Road and Old Cheney is a disaster waiting to happen. Hickory Crest Road as it goes north within a period of two blocks makes four 90 degree turns and it is not suitable for any kind of additional traffic. Where Hickory Crest Road comes in there is a big rise and you take your life in your own hands when you try to turn on there. It would require a light; it delays the traffic of four lanes; and it is low on the priorities for maintenance during the winter but they understand that.
- **3. Dick Dam,** 5310 Thies Cove Drive, testified in support on behalf of the Board of the Edenton Association which runs roughly from Glenoaks Dr. to Old Cheney Road. They are 72 townhouses and 125 single family homes. They are concerned about the development of the southwest corner of 70th

and Old Cheney. Diane Oldfather called him and some of the board members met and went over the plans and the three of them agreed wholeheartedly to support this application. They do not have another board meeting until next Monday. They would agree with R-1 or R-3 and are pleased to have it maintained as a residential area.

4. Mike Rierden appeared on behalf of **Zane and Ethel Fairchild**, who are the owners of Lot 70, which is technically not part of this plat. They support this proposal, but the one concern they have is Condition #1.1.7, which the applicant is requesting be amended to relocate Hawkswood Road to intersect with Old Cheney Road and line up with Pheasant Run (instead of Hickory Crest Road). His clients would like to have the Hickory Crest connection that staff is recommending. His clients do not know how their property would ultimately develop but it is a better connection because of the median cut to Hickory Crest to the north. We don't think it would be a good idea to have the traffic from our property going through this residential development.

Dennis Bartels of Public Works clarified the issue of 68th Street out of Southfork. Public Works would continue to recommend that 68th Street be connected to Stevens Ridge Road. That is why that stub street was platted in Southfork--with the intention that it be continued. Southfork is 20+ lots. You have one long cul-de-sac with one way in and out of there. If traffic got heavy enough on 70th we would end up signalizing a T intersection. If connected to Stevens Ridge Road, it is probably a better signalized location. The staff would like to see 68th Street continued as originally submitted with this plat. He has mixed reactions on the other street requests. Pine Crest Drive exceeds our typical length for a cul-de-sac. The terrain is fairly difficult. The staff assumed that Hickory Crest had to be there. Hickory Crest is closer to 70th Street than the staff would like but that is where it ended up. In the long term we are likely to have to signalize the intersection and the city would prefer it be at Hickory Crest if this were the case. We do not like to signalize T intersections at major streets. Pheasant Run is a dead-end street. If you had a signal there it would serve a limited amount of vehicles on the north side.

Carlson inquired about having two outlets on 70th Street--Pheasant Run and Hickory Crest--that way the R-3 portion could serve itself. Bartels agreed that it could probably function but typically we like to limit the number of intersections. Once you get past Hickory Crest it is proposed as a five-lane section with a common left turn as opposed to median divided. Functionally it would probably work with both. But, as you go further west there are at least two other intersections between the subdivision and Hwy 2 (62nd and one other named street further west).

Carlson noted that the Fire Department does not have a fire safety issue with the cul-de-sac. That is what Dennis Bartels was told today, but the plat he had reviewed up to today always showed 68th connecting Stevens Ridge Road to that existing stub street in the Southfork Addition. Southfork is limited on access now. They only have one access out to 70th Street. Bartels' assumption is that there will be more cars coming out of Southfork into this subdivision. Bartels was not party to the Fire Department comments. Both circulation and operational problems are Bartels' issues. We don't want to signalize both Southfork Blvd. and Stevens Ridge Road.

Hill clarified that Lot 70 is currently zoned R-3.

With regard to closing off of 68th Street, Hill advised that to be a waiver of design standards that was not included in the original request. The staff did not have an opportunity to discuss this request in the

staff report. Hill does not know whether that can be considered because it was not part of the original proposal. When Southfork was proposed it was intended that street continue to the north. The stub street was extended to the property to the south with the indication that road connection would be made.

Steward inquired whether staff has had the opportunity to review all the requested amendments. Hill only received the proposed amendments at this meeting so he could only review them quickly. However, he also advised that the staff has had discussions with the developer and the staff knew something like this was coming in. They basically agreed to disagree about the street system and most of the proposed amendments relate to the street system. The change of zone to R-1 rather than R-3 is not a problem. However, the legal ad provided no notice that the change to 68th Street was going to be made. Condition #1.1.20 that was proposed to be added has not had any staff review and comment and it was not advertised for this hearing.

Rick Peo of Law Department was not sure whether the South 68th Street issue is a waiver or not. It could be just an argument of whether they need to have a through street. It's just a question of whether it has to totally connect to provide access to the abutting property. Peo would need time to review this issue.

Steward inquired of the applicant as to how much stress is involved if the Commission defers this for two weeks. He is concerned that we have a representative of sets of property owners who are not together; we have staff and the applicant who are not together; and we have a potential legal question. Seacrest does not think there is any legal requirement for the waiver. His concern is that there is a lot of neighborhood support here. He is real surprised Southfork wasn't here about not extending 68th Street. He thought that the Fire Department's agreement would make it acceptable. He just doesn't think that the staff likes the concept of acreages inside the city limits. If it makes the Commission more comfortable, it could be deferred for two weeks but he would ask that the public hearing remain open.

Steward moved to defer with continued public hearing and administrative action on October 18, 2000, seconded by Hunter.

Steward observed that this is an exceptionally creative solution to a very difficult problem we are going to face more than once because of short vision on location of acreages, but he is concerned that there be a full Commission in order to have the best deliberation because it does set a precedent.

Schwinn likes the proposal, especially moving Hickory Crest down. The south side of the road has very dense vegetation and that road never thaws in the winter. However, he agrees that there is a need to have the comfort level with staff and he would also like to have more Commissioners voting.

Hunter wants more of an opportunity to review the proposed amendments.

Motion for continued public hearing and administrative action on October 18, 2000, carried 5-0: Duvall, Schwinn, Steward, Carlson and Hunter voting 'yes'; Krieser, Taylor, Newman and Bayer absent.

CONT'D PUBLIC HEARING BEFORE PLANNING COMMISSION:

October 18, 2000

Members present: Duvall, Krieser, Carlson, Steward, Hunter, Schwinn, Newman, Taylor and Bayer.

The applicant withdrew Change of Zone No. 3239.

The applicant requested that Change of Zone No. 3238 and Preliminary Plat No. 00001 be placed on pending.

Motion was made by Krieser, seconded by Steward, to place the change of zone and plat on pending to allow the applicant the opportunity to resubmit. Motion carried 9-0: Duvall, Krieser, Carlson, Steward, Hunter, Schwinn, Newman, Taylor and Bayer voting 'yes'.

CONT'D PUBLIC HEARING BEFORE PLANNING COMMISSION UPON RESUBMITTAL:

February 21, 2001

Members present: Krieser, Duvall, Carlson, Steward, Taylor, Schwinn and Bayer; Hunter and Newman absent.

<u>Planning staff recommendation</u>: Approval of the change of zone and conditional approval of the revised preliminary plat.

Jennifer Dam of Planning staff submitted a letter from Zane Fairchild dated November 22, 2000, indicating that he is listed as one of the property owners and developers; however, this was without his knowledge or approval. Dam pointed out the Fairchild property on the map. Any changes to remove the Fairchild property from this plat would require significant changes that would need to be resubmitted and reviewed by the staff. Therefore, the staff is requesting an 8 week deferral. Dam clarified that the Fairchild Estates preliminary plat has been approved. There is an outlot of Fairchild Estates that is included within this preliminary plat as part of two of the proposed lots in Hawkswood Estates.

Proponents

1. Kent Seacrest requested to testify prior to the Commission taking action on the staff request for an 8-week deferral. Seacrest appeared on behalf of a coalition of six property owners (formerly 7 property owners with Fairchild having gone a separate way). This development was before the Commission in October of last year, four months ago, with two outstanding issues, one being the access issue raised by Fairchild. Seacrest indicated that they have been working on this issue. There are people trying to close real estate sales out here and it is problematic to have an eight-week delay. Because of the access issue, they resubmitted this plat.

Seacrest submitted that this is one of those unique neighborhoods full of trees and 5-acre acreages. In 1994, the Comprehensive Plan was amended to create a new category called "low density residential" to be inside the city limits. As Lincoln has grown to the south and east, we have all those acreages "in the way". In 1994, we figured out that we had to address that in order to absorb acreages into the city, so we created the "low density residential" at one acre with city water and city sewer. Then

Planning Director, Tim Stewart, thought he would do a new zoning classification for "low density residential". But, that has not occurred and developers have had to do this through waivers because we do not have that zoning classification. This really should be known as AGR-1. We're taking a square peg and putting it through a round hole and have protective covenants that have been executed for one-acre size with clustering in order to protect the tree masses.

Seacrest noted that there are four different transportation issues. Staff, because they don't have AGR-1, has to look at this as if it is urbanized in the future. They want more road network than we want.

Seacrest submitted a motion to amend:

He requested a new Condition #1.1.1 as follows: <u>Pursuant to the Fire Department request, provide fire hydrants pursuant to the City of Lincoln's Design Standards and add a note stating that the applicant understands and agrees to limit parking to only one side of <u>Pinecrest Drive</u>. The staff condition proposes two extensions of the roads. Seacrest requested to delete the staff condition because it will cut through all sorts of tree masses. With the covenants and the Comprehensive Plan saying this is supposed to be unique, we should not have to do an urban type network in this area. Most importantly, fire protection is the issue. Our streets get too long. Back in October, we handed out a letter from the Fire Department in support, "..... they have agreed to limit parking to only one side of the street. This solution to my concerns is acceptable to the large lots and separation between structures". Seacrest believes that the Fire Dept. supports this present design.</u>

Seacrest requested to delete Condition #1.1.14, which requires that So. 68th Street be extended north through the area to Stevens Ridge Road. The Southfork Homeowners Association submitted a letter in October requesting that 68th Street not be extended. This applicant does not want 68th Street to go through. It is not needed. The Fire Dept. states, "...we also discussed a possible cul-de-sac to redo 68th Street. Fire Dept. has no objection to this concept."

Seacrest requested to add Condition#1.1.18 to deal with the Fairchild property:

"Revise the preliminary plat and legal description to remove any properties owned by Zane and Ethel Fairchild. Add a T-turn around on the south end of the South 68th Street stub located southwest of Stevens Ridge Road on Lot 70 I.T. located in the Northeast Quarter of Section 26, Township 9 North, Range 7 East of the 6th P.M., City of Lincoln, Lancaster County, Nebraska. Revise the lot configuration of Lots 17 through 23, inclusively and circulation access thereto to the South 68th Street Circle, the T-turn around on the south end of the South 68th Street or to Stevens Ridge Road to the satisfaction of Public Works & Utilities Department and the Planning Department.

This applicant will agree that if Fairchild does not want to be part of the plat, they will not force him. This applicant has supported the Fairchild preliminary plat with an extended care facility. That facility has not proved viable and Fairchild's representatives have indicated that he would like to do office, although his property is shown in the Comprehensive Plan as residential. Removing the Fairchild property causes access problems to the acreage lots. Staff is asking us to give up access to 70th Street, which would get us access. Now they are telling us to delay this thing for 8 weeks when that was one of the issues in October. We tried to work with Fairchild; we then asked staff to call a meeting to help the relationship and staff chose not to call that meeting; Rierden did help us facilitate a meeting

with the Fairchilds and we could not agree with regard to access so Fairchild does not want to be included in this plat. The access point that Fairchild wants will encourage him to come in for office zoning. Staff is supporting the access at Pheasant Run instead of Hickory Crest Point, and for those reasons we have not worked out an agreement with Fairchild. Meanwhile, where is our access? We knew this was an issue in October and now because Fairchild would not agree, staff wants eight weeks to keep working on it.

Seacrest purported that the issue is whether 68th Street should go through. Or should we be putting T turnarounds or cul-de-sacs and dead-end both directions of 68th Street? This applicant does not want to extend 68th Street.

Rierden gave a request in October that this developer give the Hickory Crest access. Seacrest stated that this developer is not in favor of that for several reasons: 1) staff does not want the Hickory Crest access. There will be a lot of turn movements at the 70th & Old Cheney Road major intersection and the Hickory Crest access is too close to that intersection; 2) the Hickory Crest access point is at the crest of the hill and there is poor sight distance; 3) Hickory Crest is not desirable because it will encourage cut-through traffic into the neighborhood; and 4) this developer does not want to be assisting Fairchild's effort to make it easier to rezone his property contrary to the Comprehensive Plan.

The other amendments to the conditions of approval (add Condition #8 and #9, and delete Condition #3) have to do with block lengths.

Seacrest requested that the Commission vote on this application and give direction on the motions to amend. He does not know if his clients should be pretending 68th Street should go through without some direction from the Planning Commission. We are chasing our tail here. We need some direction and this application has already been deferred four months.

Carlson inquired whether the covenants will create 1-acre parcels to prohibit further subdivision. Seacrest concurred. They roll over every five years. It is not one-acre, it's average one-acre because they encourage clustering. It does not absolutely forbid further subdivision down the road, but it would require amending the covenants and it takes a 2/3rds vote to kill the covenants.

Carlson then referred to the Hickory Crest access and the rezoning potential. What about higher density residential? Seacrest would encourage Fairfield to go single family, urban residential, quality duplex. When you go from acreages to office on a corner that wasn't planned, it is not in anybody's interest.

Carlson then asked whether assurance of R-3 Residential would allay the concerns about cut-through traffic. Seacrest has more confidence that they will not amend the covenants than he does a future Council that will not rezone this property.

Bayer has not heard anyone come in and try to change the Southeast Lincoln/Hwy 2 Subarea Plan proposal for that corner to anything other than Urban Residential. We are beginning to support subarea plans. He asked Seacrest if he has been told that they want office there. Seacrest stated that he has been in a meeting with representatives of Fairchild showing an office design and asking for support.

2. Warren Johnson, 6801 Hickory Crest Road, immediately north of this proposed property (the northwest corner of 70th & Old Cheney), testified in support. He has lived there for 36 years and has witnessed the development of this area. The Hickory Crest Addition property owners met and are enthusiastic about this application. They think it is a unique and superb way to convert these 5-acre parcels into a lower density, yet still not a high density area for traffic control. The Hickory Crest Addition property owners are opposed to the Hickory Crest access. If you start to let traffic cross that close to 70th Street, there will be accidents. He suggested a traffic light, but without a light it will not work. Why do we have to butcher up these little communities trying to cut through the entire way? We've got four lanes on Old Cheney; four lanes on 70th; four lanes on Hwy 2 to the south. The communities that are there are there because of the kind of development that is proposed. Here is a chance to do something to control traffic.

In addition, Johnson stated that the Hickory Crest neighborhood is very much against any commercial development on the Fairchild property. We saw a plan that showed 55 parking spaces. What will that do to the traffic?

- **3. DeLoyd Larsen,** President of the **Edenton Homeowners Association,** submitted a prepared statement by the Edenton Homeowners Association Board of Directors in favor. The Edenton Homeowners Assn. consists of 72 townhouses and 150 single family homes in the area of 70th Street, south of Glynoaks Drive, north of Old Cheney Road. The Edenton Homeowners Association has voted to approve the Hawkswood Estates plan, including the proposed Old Cheney Road access at the intersection across from Pheasant Run Lane, rather than access across from Hickory Crest. The Association also supports 68th Street ending as a cul-de-sac in this development. The Edenton Board is strongly opposed to any commercial development of the Fairchild property in the area of South 70th and Old Cheney Road.
- **4. Ernest Henry,** 5600 Pheasant Run Lane, testified in support of the plan to put the access on Pheasant Run Lane. He is opposed to any commercial on 70th & Old Cheney.
- **5. Art Zygielbaum**, 6601 Pinecrest, testified in support and submitted letters in support from the **Southfork Homeowners Association** and the **Edenton South Homeowners Association**. He applauded the efforts of the developer to involve the neighbors very early on in the planning stages.

The Southfork Homeowners Association supports the plan, specifically for 68th Street to be made a cul-de-sac. They believe the rest of the development will blend in well with the adjacent neighborhoods. Southfork is opposed to any commercial development on the Fairchild property.

The Edenton South Homeowners Association supports this development, particularly the plan to have their rural route road run from Stevens Ridge Road and outlet at Pheasant Run. They are also strongly opposed to commercial development of the Fairchild tract.

Zygielbaum is a member of Comprehensive Plan Committee and he worked on the Beal Slough Master Plan. He came to Lincoln for the quality of life and the expectations of that quality of life. The citizens have a right to maintenance of the expectations of the area into which they move. He supports the modified R-1 zoning that is proposed in Hawkswood Estates and they will probably do the same thing for Sheldon Heights. Zygielbaum is opposed to anything other than a cul-de-sac for Pinecrest and for 68th Street. There is adequate access for the low density housing. There is an expectation,

there is a reason we bought our property and there is a reason we live there, and he looks to the city to help support maintaining the quality of life he has come to expect. He is also opposed to any commercial development of the Fairchild tract.

In response to a question by Carlson concerning establishment of future easements if the properties are further subdivided, Zygielbaum stated that he is arguing for the cul-de-sac for the low density because it does not violate the safety of the people involved and will maintain what they now have.

6. Jack Lynch of Olsson Associates appeared to address the Fairchild property in this plat. Stevens Ridge Road was designed over a year ago to accommodate the properties to the south and those two slivers of Fairchild property were always intended to be added to those properties to the south. Whenever we design anywhere in this community we are asked to show how properties adjoining us will be accommodated by access. We are using a preliminary plat of record now to show access to the property to the south. Those two 5-acre parcels to the south currently have access along a sliver of land and are now forced to come up into the Fairchild Estates and out that access point. Without these parcels in this plat, those two parcels have absolutely no access. He cannot believe the staff will leave two parcels without access. The only access they have now is through the Fairchild property.

Steward asked Lynch why they didn't incorporate the private roadway right-of-way in the design that would have resulted in no slivers. In other words, why is this not a straight going into a curve that is 50-100' further to the south? Lynch responded that according to the city design standards, the access point located for the Fairchild property is across the street form Stevens Ridge Road, which the design of 70th wanted to accommodate. We cannot get down into the property quick enough with the city design standards. We could have gotten a little further to the south; however, this is a preliminary plat that we don't control. If they would like to shove that road further to the south, we could accommodate that. Right now those two parcels have no access if the Fairchilds don't belong to this preliminary plat.

7. Mike Rierdenappeared on behalf of the Fairchilds in support. This is a good proposal that is well-planned; however, his client desires to have the connection at Hickory Crest. It was his recollection that city staff was recommending that connection some time ago. It is the city's policy to align streets the best they can from one side to the other. He believes that staff might be soft on their proposal as far as where that connection should be and they would probably say it could be at either location. The concern about use of the Fairchild name on this plat was voiced as early as November of last year. That issue has been on the table and the Fairchilds have made it clear that they do not want to be part of this plat. The question is whether you can be part of one plat (Fairchild Estates was approved in 1999) and then be a part of another plat? The Fairchilds are not opposed to this development.

As far as any office use on the Fairfield tract, Rierden acknowledged that his clients have received the message that that would not be favored. They had simply shown a conceptual plan to Seacrest and his clients some time ago and as far he knows there is no serious proposal coming forward showing office, but rather more likely the existing R-3 or back to the assisted living.

Schwinn commented that the Fairchild preliminary plat is water over the dam. So, there are two houses on the Fairchild property that are already platted as lots. Rierden agreed. Schwinn then noted that when Old Cheney is rebuilt, the house furthest on the east side will only have a right-in and right-out to their property unless Stevens Ridge Road is built.

Steward inquired how long the Fairchilds have owned the property. Rierden guessed 40 years. It has been in the family for a long, long time, and certainly during the time when the original acreage plats were created. Steward asked Rierden whether it is conceivable that there is any chance for collaboration between these property owners left? This is an acreage issue. This is an issue that no one expected when they originally purchased the property. Yet, to get the most out of the property, both economic and quality of life, it seems there has to be some mechanism of negotiation that something better can come out of it in a win-win situation if there is more cooperation. Rierden agreed. He has grown very frustrated with this matter and he would like to take a shot at that, and that would not be for the purpose of delaying this project. The Fairchilds would like to get this thing resolved. Steward further commented that this is an important intersection and it is an important residential lifestyle. It is very precious in both economic and aesthetic terms and he would like to see if they can't explore some other alternatives.

There was no testimony in opposition.

Staff questions

Steward questioned whether staff is optimistic that a more effective relationship between these property owners can be worked out to the benefit of both with the requested delay. Jennifer Dam of Planning staff stated that she has not been the staff person involved in the review process on this plat. However, she is willing to commit the Planning staff to work with both parties to try to reach a solution.

Schwinn observed that this corner (Fairchild property) has been approved, so he assumes that where Stevens Ridge Road is shown is where it is going to be built. Our only problem is the two slivers of Fairchild land that are currently in "no man's land". Dam clarified that she did look up the Fairchild Estates preliminary plat. The parcel adjacent to 70th Street is shown as an outlot with a note attached to the triangle at the intersection of 68th & Stevens Ridge Road that indicates that that parcel would be either dedicated as r.o.w. or attached to a lot to the south at some point in the future. The owner of that property has indicated that they don't want to be a part of this plat. Dennis Bartels of Public Works clarified that Fairchild Estates is just a preliminary plat and those outlots are not created at this point in time. Fairchild could come back and revise his preliminary plat however he wants. We have no ability to force him to final plat.

Schwinn asked Bartels about the signalization of the intersection at Hickory Crest. Bartels stated that it is probably closer to 70th Street than Public Works would like. When the city approved Hickory Crest to the north, it was closer to 70th than desired but it was approved

there and it is anticipated that it would be a four-way intersection. Thus, when the Fairchild plat came in, it implied that that was where the location was going to be for the access to 70th Street. When this plat came in, it showed the access to Old Cheney. We can make either location work. It would be desirable to have another signal.

Carlson asked whether Stevens Ridge Road at 70th would be signalized. Bartels did not think there were any plans to do so; that is where the median opening is; the access is located there now; there is a street that extends on east and the street return and turn lanes are in there for future extension to the west at that location. Carlson pondered that if this were residential, what about people wanting to move north on South 70th? He thinks that would be a difficult maneuver. Bartels suggested that as traffic picks up on 70th a signal could be warranted at that location.

In the spirit of compromise, Steward made a motion to defer for four weeks, until March 21, 2001, seconded by Duvall. Steward does not believe that it is acceptable for the Planning Commission to be put into a position of taking speculative action on behalf of a conflict of strategy and direction that needs to be worked out at staff and property owner level. In the best interests of the Comprehensive Plan, he does not believe there is any alternative but to take time for some negotiations to take place.

Motion to defer, with continued public hearing and administrative action on March 21, 2001, carried 7-0: Krieser, Duvall, Carlson, Steward, Taylor, Schwinn and Bayer voting 'yes'; Hunter and Newman absent.

CONT'D PUBLIC HEARING BEFORE PLANNING COMMISSION:

March 21, 2001

Members present: Krieser, Hunter, Taylor, Steward, Carlson, Newman and Bayer; Duvall and Schwinn absent.

Proponents

1. Kent Seacrest appeared on behalf of the Hawkswood neighborhood group comprised of five property owners, in support of this development. This is the third public hearing. The issues have gotten clearer but are not crystal clear. The subject property is a portion of a triangle shown on the Comprehensive Plan in light yellow—acreages, not normal urban residential. The property is also within the urban future service limits and is annexed. This is a series of 5-acre owners, turning their property into 1-acre lots with rural characteristics, i.e. minimum sidewalks, etc. The Comprehensive Plan supports this idea, but our standards are not used to this idea and that is the tension the developer is having with city staff.

This group of property owners started working with the Fairchild property and is still attempting to working out an agreement. Fairchild was originally part of this group of property owners. Fairchild started out on an extended care facility and surrounded their facility with one-acre tracts. The Seacrest clients signed covenants and came to the Fairchild development hearing in support of the extended care facility. Some differences broke out after that fact and Seacrest believes we now have a situation where everyone is back together. He believes the property owners have an oral outline of an agreement on all the key points, except one friendly disagreement. They do anticipate having a written

agreement between now and the time this application is heard by the City Council. There are three traffic issues upon which the developer and the staff disagree. One is the Pinecrest extension. This application shows cul-de-sacs because of the large tree mass and city staff is trying to plan an urban setting and not an acreage setting. We do not want the additional roads to go through. It will destroy the tree masses. We have signed restrictive covenants limiting the acreages to one acre so this will not be traditional urban development. Seacrest agrees that extension of the road network is a life safety issue, but the Fire Dept. is indicating support of not extending the roads as long as we limit parking on the one side. This issue is reflected in Seacrest's proposed amendment to Conditions #1.1.1, and to add Conditions #2.2.8 and #2.2.9.

The next traffic issue is the Hickory Crest versus Pheasant Run access. The applicant agrees with the staff on this one. This was the issue with Fairchild. Seacrest believes that the goals are different. The applicants are concerned because the Fairchilds have shown commercial plans and the access at Hickory Crest that Fairchild is requesting would encourage more commercial. 70th & Old Cheney has a traffic light. Putting the access at Hickory Crest gets an intersection too close to a major arterial intersection. Cars on Old Cheney will get impatient and cut through the neighborhood to avoid the light. This is the area where we disagree with Fairchild and Seacrest requested the Commission's support.

The South 68th Street extension is an issue with the staff. Fairchild supports the applicant on this issue. No one wants to see 68th Street connected--extended from Southfork into this neighborhood-but staff is opposed and is requesting that extension. Southfork does not want this connection. It is a life safety issue. And again, the Fire Dept. is comfortable with this road not going through. This application shows a cul-de-sac and the Fire Dept. has no objections to this concept. This solves it from a health safety point of view. Seacrest requested that Condition #1.1.14 deleted.

The most affected neighbors, including the Fairchilds, support this development, except the Fairchilds have a difference of opinion on the Hickory Crest versus Pheasant Run. We have had two subsequent meetings with all the neighborhoods and the consensus has been what is being proposed with the amendments proposed by Seacrest today.

Seacrest expressed appreciation to Mark Hunzeker and the Fairchilds for their cooperation. Carlson asked about the down side of not putting the roadways in, but the easement instead on the Pinecrest option. Seacrest believes that Pinecrest totally destroys Lot 10 because it goes right through the middle. It is hard to get six neighbors to agree and we've got it. We would have to go back to the major drawing board if we have to redo Lot 10. We plan to go forward and our view is that if government has the easement, tomorrow they could put the road in and special assess us. Our view is that the government has condemnation powers. We would rather not make it easy on them.

2. Mark Schorr, attorney, testified as a citizen and resident of Hickory Crest Subdivision to the north across Old Cheney Road. The Hawkswood Estates neighbors have been very involved in talking to all of the neighbors. He supports the proposal as presented by Seacrest and against the notion of further creating problems where Hickory Crest Road comes out of his neighborhood into Old Cheney. The Hawkswood Estates neighbors have held social gatherings to unveil the plans, they have answered questions, and they have invited us to meetings. He also knows that Southfork and Edenton South wholeheartedly support this plan but have some concerns about the road network. As far as the potential Hickory Crest connector, Schorr's entire neighborhood would be very concerned. That is a

very busy and dangerous area. There were numerous accidents when Hickory Crest Road was put in. There is very poor visibility. We would be very concerned, given the amount of traffic, that we will have even more difficulty navigating in and out of our neighborhood if the Hickory Crest Road connection were required. Edenton South is very concerned about the Hickory Crest connection. It makes much more sense to do the ingress and egress out of Hawkswood where it is shown in the plan coming in and out across from Pheasant Run as opposed to taking down the trees along Old Cheney and going in and out of Hickory Crest.

3. Arthur Zygielbaum, 6601 Pinecrest, testified in support. He stated that he is also testifying on behalf of Stan Maley who lives north of him. Zygielbaum read a letter from Jim Abel and Janice Goracke in support, including the applicant's wishes not to extend 68th Street. Zygielbaum believes in the maintenance of expectation and quality of life and that what we leave is a legacy. He strongly supports the rezoning. He anticipates that they will be doing something similar in Sheldon Heights to the west. He is opposed to any commercial nonresidential use of the Fairchild Estates.

If 68th Street is extended, all of the traffic would change and it would cause a significant threat to the safety of the Southfork neighborhood and would change the characteristics of Southfork. There is no reason to extend 68th Street.

Zygielbaum spoke specifically about maintaining Pinecrest as proposed. There is little benefit in putting Pinecrest through. Safety can be accommodated with what exists. It will maintain the character of what we have.

- **4. Jan Schwenke,** resident of Frontier Road, voiced opposition to the Pinecrest extension. Frontier Road is a nonpaved road and all of her neighbors enjoy the acreage situation and the rural atmosphere. She believes the Pheasant Run access makes much more sense with regard to traffic control for the Frontier Road residents.
- **5. Charles Green**, 5650 Hickory Crest Road, testified in support. He has lived on Hickory Crest Road since February, 1998. Currently, the city is widening Old Cheney and will take about 20' of his property plus cut down his trees. An issue for his family and his neighborhood is the ability to get in and out at Hickory Crest Road. He supports the access road being across the street from Pheasant Run. If we are looking for partnership between homeowners and developers to insure and maintain quality of life, he believes the proposal of using the Pheasant Run access provides a quality partnership between the landowners and the business interests of Fairchild. Business growth is an important part of progress, however, it should be mutually beneficial to all citizens.

Newman asked Green whether it takes him a long time to get out of Old Cheney and whether a traffic light might work to his interest. Green's response was that currently, there is a moderate amount of traffic depending upon the time of day. If the Fairchild plan is included, then they would have a lot of traffic. With the widening of Old Cheney, it will lower the road about 5' so people coming up the hill will be able to see what's happening. We are pleased with Hickory Crest as it is now.

- **6. James Seacrest**, 6901 Kings Court, testified in support of the proposal as requested by the applicant. Kent Seacrest is his nephew, but he has not discussed this development with Kent until briefly today. With regard to the Pinecrest extension, the neighbors have worked hard and think it is a good use of the land. He is personally against the Hickory Crest extension onto Old Cheney because it is a very dangerous intersection. More traffic will be a hindrance. He does not believe it would be appropriate to have two traffic lights within one block of each other in a residential neighborhood. Bringing the extension out from Hawkswood at Pheasant Run does help move the traffic around and does keep the residential flavor of the neighborhood complete and intact.
- **7. Mark Hunzeker** appeared on behalf of **Mr. and Mrs. Zane Fairchild**, the owners of the property at the intersection of 70th and Old Cheney. They had one very productive meeting where they outlined the terms of an agreement between Fairchilds and the other property owners within this plat. The Fairchilds are in support of their general scheme for this area and specifically in support of their not wanting to make a connection to Southfork. The Fairchilds definitely support leaving this plat in its current configuration.

Hunzeker advised that the Fairchilds do have some modified plans for their property which do not conform to what is shown on the Seacrest plat. The Fairchild application has not been submitted, but it is a retirement type townhouse development and will involve some sort of elderly residential care type facility. They do intend to cooperate with getting access into the area shown as being an access off of a stub street that was originally preliminarily platted. In reconfiguring the roadway they will provide access to the lots shown on the Hawkswood plat.

The one issue where Fairchilds differ with this proposal is that they think that Hickory Crest is the place that access should be taken to Old Cheney Road. There is only one access on Old Cheney that reaches up to Colonial Hills, and that is Hickory Crest. It is difficult to get out to Old Cheney from the interior of that section. There is another access point yet to be built that is part of the Black Forest Estates plat (Carveth) which has a connection that goes to Colonial Hills; however, that access is very close to what will be a signalized intersection at the road that goes in east of Brewskys and accesses the office park and hotel off of Old Cheney. It will be much too close to that signalized intersection to ever warrant a signal. Hickory Crest is actually 850' from 70th Street and while closer than Public Works would like, it is the only other place that is rational to put a signal to get people out of Colonial Hills and onto Old Cheney Road. There are only about 2 dozen homes that access Old Cheney at Pheasant Run on the north side. We have this problem in a number of places in town. The fact is that lining these access points up so that in effect you have collectors across from collectors giving access back into the interior makes a lot of sense. He believes the staff's first preference is Hickory Crest and he thinks there is a reason for it. The Fairchilds have agreed to disagree with the applicant on this connection.

Hunzeker also stated that the Fairchilds will insist that the agreements be finalized before City Council action on this plat. He believes that they can reach agreement.

There was no testimony in opposition.

Additional comments by the Applicant

Seacrest informed the Commission that he was told in a staff meeting that Public Works and Planning that staff could support either access, Hickory Crest or Pheasant Run. The issue here is that both access points are on this applicant's land. The best solution is Pheasant Run so they get their right-in and right-out movements. If the access is Hickory Crest, it tempts Fairchild to seek commercial rezoning. The Comprehensive Plan shows their property as acreage residential.

Seacrest also observed that if another light is added at Hickory Crest, it makes it easier for cut-through traffic to avoid the light at 70th. 800' does not meet the standard for separation of lights.

Steward pondered that if that intersection became a signalized intersection, and Old Cheney is widened and becomes a much more high volume traffic carrier, does that not put some pressure on change of zone and use at the intersection on the four corners? Seacrest's response was that the Hickory Crest access would encourage more opportunity to seek commercial.

Seacrest also informed the Commission that his clients do not want both access points. An acreage does not need two access points and this would require reconfiguring their lots again.

Public hearing was closed.

CHANGE OF ZONE NO. 3238 ADMINISTRATIVE ACTION BY PLANNING COMMISSION:

March 21, 2001

Steward moved approval, seconded by Newman and carried 7-0: Krieser, Hunter, Taylor, Steward, Carlson, Newman and Bayer voting 'yes'; Duvall and Schwinn absent.

PRELIMINARY PLAT NO. 00001, HAWKSWOOD ESTATES ADMINISTRATIVE ACTION BY PLANNING COMMISSION:

March 21, 2001

Hunter moved to approve the Planning staff recommendation of conditional approval, with the amendments as requested by Seacrest, seconded by Steward.

Hunter commented that this is one of the first times she has seen the Fire Dept. not want streets put in, but maybe it makes sense with acreage development. In listening to this whole situation this brings back the Colonial Hills discussion when street accesses were not put in and nobody wanted accesses going into Pheasant Run.

Steward is convinced that there would be increased avoidance traffic from Old Cheney to South 70th if the access were the more near intersection, whether signalized or not. But basically, he is supporting this as presented on three points: merit, principle and precedence. As pointed out earlier by Seacrest, we are beginning to face the issues of acreages being annexed and incorporated and revised to a more urban density. This neighborhood has done an exceptional job of working with surrounding neighbors and working through this process. It seems that the city has some responsibilities that don't fit the ordinary standard in these cases and that's the principle. If we put these acreages this close, then we have responsibility to the original landowners that is different than if it was a raw development.

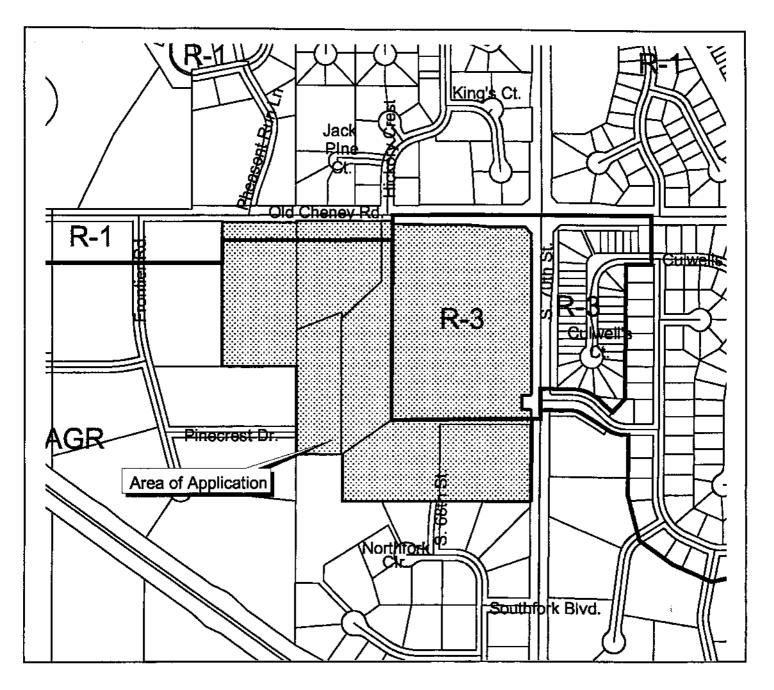
This sets a precedence for what, how and what flexibility and diversity we are willing to project for the next one.

Newman echoed Hunter's comments. We are all still smarting a little bit from Colonial Hills in that there was no connectivity and if it would have been thought about ahead of time, we wouldn't come up against that 20 years later. We need to keep the character of the neighborhood and respect the neighborhoods. The outcry from the neighbors for the Pheasant Run connection is overwhelming.

Carlson noted that Colonial Hills is left with Hickory Crest and he wonders if that is going to continue to be a traffic issue. Will the Pheasant Run connection eliminate the light at Hickory Crest? He agrees that the testimony of the neighbors is compelling, but he is not sure it's clear.

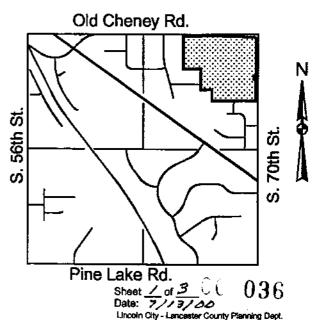
Hunter further observed that the development that was trying to be passed at the time was a development that was south of Colonial Hills and they proposed an access on Pheasant Run which would come out on Old Cheney. If that development would still go through, that connector would be in place. But, the big difference is that this is an acreage development and Colonial Hills is not. Bayer echoed the precedence point. He is thrilled that we have come up with something that preserves the acreage environment in the urban area.

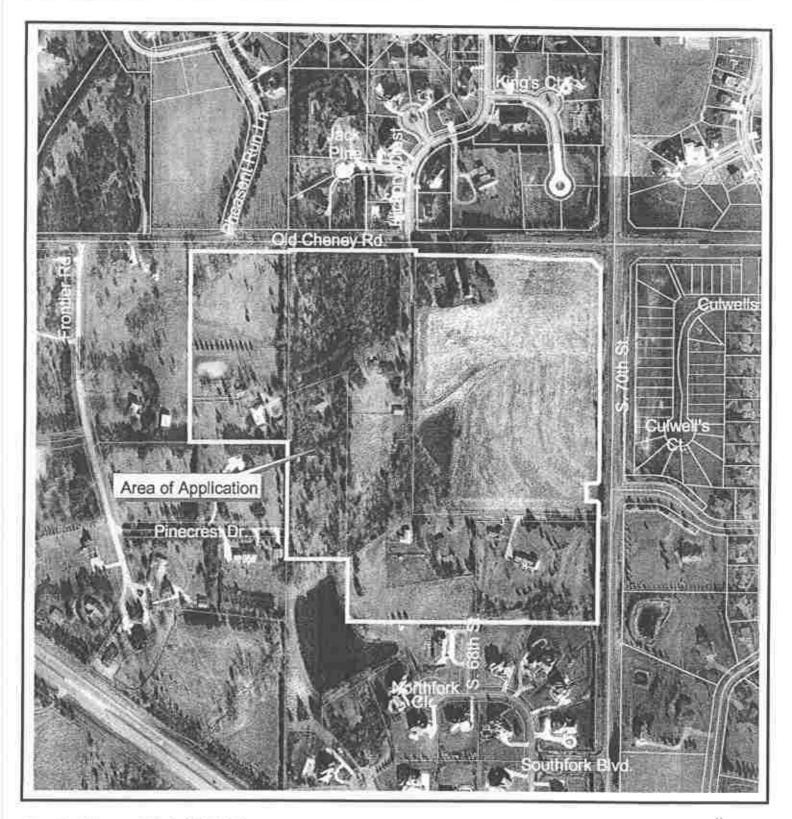
Motion for conditional approval, with amendments requested by the applicant, carried 7-0: Krieser, Hunter, Taylor, Steward, Carlson, Newman and Bayer voting 'yes'; Duvall and Schwinn absent.



Preliminary Plat #00001 Hawkswood Estates S. 70th & Old Cheney Rd.







Preliminary Plat #00001 Hawkswood Estates S. 70th & Old Cheney Rd.

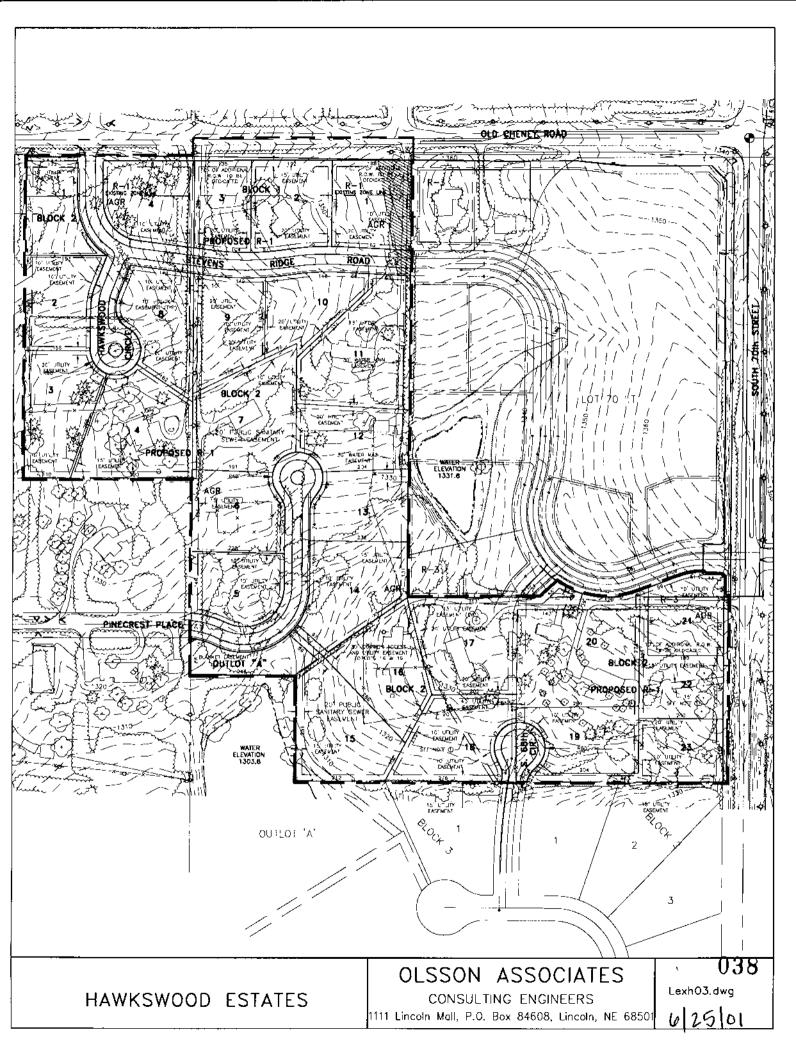
Sheet 2 d 3

Date: 7/13/00

Photograph Date: 1997

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Lincoln City - Lancaster County Planning Dept.





RECEIVED

FEB - 6 2001

LINCOLN CITY/LANCASTER COUNTY
PLANNING DEPARTMENT

6 February 2001

Mr. Ray Hill Planning Department County-City Building 555 South 10th Street Lincoln, NE 68508

Re: Hawkswood Estates

Preliminary Plate No. 00001

OA Project Nos. 99-0957/98-0600

Dear Ray:

In response to your Conditions recommended by the Lincoln City/Lancaster County Planning Staff, the following are our comments:

1.1.1 Preliminary Plat

Pursuant to the Fire Department request, we will provide fire hydrants pursuant to the City of Lincoln Design Standards, and will add a note stating that the Applicants understand and agree to the limit parking to only one side of Pinecrest Drive.

- 1.1.2 Depth of sanitary sewer will not be more than 15 feet deep.
- 1.1.3 The onsite water system will conform to design standards and the City's desire of looping.
- 1.1.4 All drainage calculations have been submitted.
- 1.1.5 Grading Plan is intended to match future and existing design grades.
- 1.1.6. Drainage calculations and required notes have been added.
- 1.1.7 Stevens Ridge Road lines up with Pheasant Run.
- 1.1.8 Sidewalks are located on one side of all interior streets.
- 1.1.9 Street cross sections accommodate sidewalk.
- 1.1.10 Note has been added.
- 1.1.11 Street trees are located correctly.
- 1,1,12 Cul-de-sacs are labeled 60-feet radius.

Mr. Ray Hill Page Two 6 February 2001

- 1.1.13 Widths have been corrected.
- 1.1.14 Hawkswood Road is now 66th Street.
- 1.1.145 The land owners abutting the existing street will agree in writing.
- 1.1.<u>5</u>6 Lot line has been corrected.
- 1.1.167 Relocation of utilities will be at developer's expense.

We hereby request the following waivers:

- 1. To allow street lighting at 480-500 foot intervals instead of the 240-foot maximum.
- To allow roadway approaches up to 3%.
- 3. To eliminate sidewalks along one side of the internal streets.
- 4. To allow rural roadway section.
- 5. To allow the water main and sanitary sewer to be located 15.5 feet on either side of the centerline rather than the typical 17 feet.
- 6. To allow rural ditches to carry storm water rather than general design standards for storm sewer.
- 7. To transfer sewage from one district to another district.
- 8. Block lengths (Blocks 1 and 2).
- 9. To allow longer dead-end streets or cul-de-sacs than standard.

If you have further questions or require additional information, please call.

) /

1 PROJECTS/08000/08doc/9rayhiii 201

Memorandum

RECEIVED

FEE - E : ...

LINCOLN CITY/LANCASTER COUNTY
PLANNING CELARITYEAT

To: Ray Hill, Planning Department

From: Dennis Bartels, Public Works & Utilities

Subject: Hawkswood Estates Revised Preliminary Plat

Date: February 2, 2001

cc: Roger Figard, Nicole Fleck-Tooze, Virendra Singh, Lynn Johnson

Public Works has reviewed the revised Preliminary Plat for Hawkswood Estates located south of Old Cheney west of 70th Street and has the following comments:

1. Water - The water system in Southfork Estates is private. South 68th Street Circle, therefore, has no access to public water.

The water main shown east and north of Pinecrest Place is shown in a 20' easement. A minimum 30' easement is required.

2. Sanitary Sewer - At this time there is no sanitary sewer outlet at the west boundary of this plat for the sewer shown in Pinecrest Place. No final plats can be approved until a sewer outlet is available.

No outlet for sewer is available at the northwest corner of this plat in Old Cheney. No final plats can be approved for lots served by this sewer until an outlet is available.

The sewer in Stevens Ridge Road runs opposite street grades and requires an exception to design standards. The route has been changed, but no information given concerning proposed depths. If the depths are 15' or less, Public Works recommends approval of this design standard exception.

3. Drainage and Grading - The grades and grading shown do not match existing 70th Street grades. The grading shown along Old Cheney Road does not meet the proposed grading for the Old Cheney Road project.

No drainage area assumptions are shown for the drainage under 70th Street draining to 68th Street Circle.

No storm water detention is shown, no justification for waivers is shown, and no waiver requested.

041

The access for Lot 23, Block 2 is shown as a 5' wide bottom drainage ditch. Grading for the driveway and storm sewer needed must be shown.

Ray Hill, Planning Department Page 2 February 2, 2001

I recommend minimum openings to Lot 8, Block 2 be above the low point in Hawkswood Circle rather than the theoretical 100 year headwater. The lot will flood at a lower frequency storm if the culvert is plugged.

4. Street System - Public Works recommends 68th Street Circle be extended to Stevens Ridge Road. This will provide an additional street outlet for Southfork Estates to the south and shorten the excessive block length along Stevens Ridge Road.

Extending Pinecrest Place to Stevens Ridge Road would eliminate a block length problem and provide a standard location for the water main rather than a cross country easement.

The proposed rural paving cross-section is non-standard and needs additional Public Works review and approvals.

The typical road cross-section shows provisions for constructing sidewalks. The sidewalks should be required on at least one side of the local streets and along 70th and Old Cheney Road frontage.

Permanent access for Lot 20, Block 2 to 70th Street is unsatisfactory. This lot needs permanent access and frontage on a public street.

5. General - The information shown on the preliminary plat relating to the public water main system, public sanitary sewer system and public storm sewer system has been reviewed to determine if the sizing and general method of providing service is satisfactory. Design considerations including, but not limited to, location of water main bends around curves and cul-de-sacs, connection of fire hydrants to the public main, temporary fire hydrant locations, location and number of sanitary sewer manholes, location and number of storm sewer inlets, location of storm sewer manholes and junction boxes, and the method of connecting storm sewer inlets to the main system are not approved with this review. These and all other design considerations can only be approved at the time construction drawings are prepared and approved.

To:

Ray Hill, Planning

From: Rachel Martin, Parks and Recreation

Date:

January 25, 2001

Re:

Hawkswood Estates

Parks and Recreation Department staff have reviewed the above-referenced proposal and have the following comments:

1) Greater diversity of tree species required and changes are as follows:

Hawkswood Circle - Aristocrat Pear

Pinecrest Place - Swamp White Oak

Changes should be included on a revised landscape plan.

Please phone me at 441-7936 with any questions.



<droth@ci.lincoln.ne.

us>

To: <rhill@ci.lincoln.ne.us>

cc:

01/25/01 02:43 AM

Subject: Hawkswood Estates

>Message ID: X1025024347 was Forwarded by POSTMASTER@PRODLANC

>Original sender: DROTH @US

>

This is a multi-part message in MIME format.

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Content-Type: text/plain; charset=us-ascii

Content-Transfer-Encoding: 7bit

PROJ NAME:

Hawkswood Estates

PROJ NMBR:

TP #0001 *revised*

PROJ DATE:

012201

PLANNER:

Ray Hill

Find no similar sounding names within our geobase for the street(s) proposed in this project, other than those which are obvious extensions of an existing street.

Dennis "Denny" Roth

-----84AEB72FAA768A3FD72460BB

Content-Type: text/x-vcard; charset=us-ascii;

name="droth.vcf"

Content-Transfer-Encoding: 7bit

Content-Description: Card for Dennis Roth

Content-Disposition: attachment;

filename="droth.vcf"

begin:vcard

n:Roth;Dennis

tel; fax: (402) 476-0528 tel; work: (402) 441-6000 x-mozilla-html: FALSE

url:http://www.ci.lincoln.ne.us/city/finance/commc/index.htm org:City of Lincoln; Emergency 9-1-1 Communications Center

adr:;;575 South 10th St, Rm 046; Lincoln, Lancaster County, ;NE;68508; USA

version:2.1

email;internet:DRoth@ci.lincoln.ne.us

title: ESD II, CAD Administration

fn:Dennis L. Roth

end:vcard

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DATE February 2, 2001

TO Ray Hill, City Planning

FROM Sharon Theobald

SUBJECT DEDICATED EASEMENTS DN #59S-68E (Ext. 7640)

Attached is the Revised Preliminary Plat for Hawkswood Estates.

ALLTEL, Time Warner Cable, and the Lincoln Electric System will require the additional easements marked in red on the map. Also, some of the easements requested in Lots 17, 18 & 22 Block 2, will not be required if the relocation expense is paid prior to final plat (see notes 1 & 2).

Shorn Therland

RECEIVED

FEB 2 - 2001

LINCOLN CITY/LANCASTER COUNTY
PLANNING DEPARTMENT

ST/ss Attachment

c: Terry Wiebke Easement File

OFFICEFO/DEDEAS.Fm

Date Printed: January 25, 2001

City of Lincoln, Nebraska

IMPORTANT

All revisions to plans must include Building Permit # and Job Address.

Return this report with two sets of corrected plans. The corrections noted below are required to be made to the plans prior to issuance of a permit. Please indicate under each item where the correction is made by plan sheet number or plan detail number.

A seperate set of plans for review and and final approval must be submitted by the licensed installing contractor/s if fire suppression systems, sprinklers, dry powder, fire alarm systems or underground tanks are installed.

Plan Review Comments

Permit # DRF01010

Address

Job Description: HAWKSWOOD ESTATES

Location: HAWKSWOOD ESTATES

Special Permit: N

Preliminary Plat Y 00001

Use Permit: N
CUP/PUD: N

Requested By RAY HILL

Status of Review Approved

Reviewer: FIRE PREVENTION/LIFE SAFETY CODE

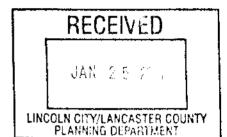
BOB FIEDLER

Comments:

Current Codes in Use Relating to Construction Development in the City of Lincoln:

- 1997 Uniform Building Code and Local Amendments
- 1994 Nebraska Accessibility Guidelines (Patterned after and similar to ADA guidelines)
- 1989 Fair Housing Act As Amended Effictive March 12, 1989
- 1979 Zoning Ordinance of the City of Lincoln as Amended including 1994 Parking Lot Lighting Standards
- 1992 Lincoln Plumbing Code (The Lincoln Plumbing Code contains basically the 1990 National Standard Plumbing Code and local community Amendments.)
- 1999 National Electrical Code and Local Amendments
- 1997 Uniform Mechanical Code and Local Amendments
- 1994 Lincoln Gas Code
- 1994 NFPA 101 Life Safety Code
- 1997 Uniform Fire Code and Local Amendments

Applicable NFPA National Fire Code Standards



LINCOLN-LANCASTER COUNTY HEALTH DEPARTMENT INTER-OFFICE COMMUNICATION

TO: Ray Hill **DATE:** 1/31/2001

DEPARTMENT: Planning FROM: Chris Schroeder

ATTENTION: DEPARTMENT: Health

CARBONS TO: Leon F. Vinci, MPH SUBJECT: Hawkswood Estates

EH File Revised PP

EH Administration

The Lincoln-Lancaster County Health Department has reviewed the revised plot plan for Hawkswood Estates. There are no modifications that would alter our previous comments submitted on November 6, 2000. See copy below.

Sewage Disposal

Sewage disposal is to be the City of Lincoln Municipal system. All existing houses in this proposed subdivision must be connected to the Lincoln Municipal sewer within six months after the sewer becomes available, per Lincoln City Ordinance.

Water Supply

Water supply is proposed to be the Lincoln Municipal supply. Existing houses within this proposed subdivision must either connect to the municipal supply and have their wells properly abandoned or else obtain an annual well permit as per City of Lincoln Ordinance.

Erosion Control

All means must be taken to minimize water and wind erosion during the construction of this proposed subdivision.

Disposal of Trees from Land Clearance

It is noted some trees will be removed from this proposed subdivision. Provisions should be made for retaining as much tree mass as possible. Alternately, the applicant will need to plan for disposal of tree waste by burying on site, grinding, offering for firewood or hauling to the landfill. Permits for open burning of tree waste within the City limits will not be approved.

M.Woolman

From:

"M.Woolman"

To:

<RHILL@CI.LINCOLN.NE.U\$>

Cc:

<LPD737@CJIS.CI.LINCOLN.NE.US>

Sent:

Wednesday, January 24, 2001 11:42 AM

Subject:

HARKWOOD ESTATES

Ray.

The Lincoln Police Deaprtment has no objections to the revised plan for Hawkswood Estates.

Michael Woolman Planning Sergeant Lincoln Police Department 441-7215 ITEM NO. 5.4c: p.161 <u>-</u> Cont'd Public Hearing-10/18/00

SUBMITTED AT CONT'D PUBLIC HEARING BEFORE PLANNING COMMISSION: 10/04/00

PREL. PLAT NO. 99991 - HAWKSWOOD ESTATES

PROTECTIVE COVENANTS

These Protective Covenants ("Covenants") are made and entered into as of this 4tday of October, 2000, by and between Alan S. Embury, a single person ("Embury"), Vincent L. Goracke and Janice L. Goracke, husband and wife (collectively "Goracke"), Diane Oldfather, a single person ("Oldfather"), Barbara K. Griess, a married person ("Griess"), Robert W. Beck and Holly K. Beck, husband and wife (collectively "Beck"), and Karen T. Dimon, Trustee ("Dimon").

WHEREAS, Embury, Goracke, Oldfather, Griess, Beck and Dimon and Successors (collectively "Lot Owners" and individually "Lot Owner") are the owners of the real property described by their respective names below;

WHEREAS, the Lot Owners realize their present acreage development pattern is subject to future change because of the City of Lincoln's recent annexation of their properties and the resulting urban pressure;

WHEREAS, the Lot Owners desire to develop their respective Properties into low density residential development pursuant to the terms of these Covenants;

WHEREAS, the Lot Owners desire to execute covenants to prevent unwanted land uses and decreased property values on their properties; and

NOW, THEREFORE, in consideration of the mutual covenants and conditions contained herein, the parties agree as follows:

I. DEFINITIONS

"Accessory Buildings" shall mean subordinate buildings or a portion of the main residential building, the use of which is incidental to that of the main residential building or to the main use of the Lot.

"Average Permitted Density" shall mean a Lot Owner may use lawful techniques to cluster density on a Lot or Lots, including but not limited to the use of community unit plans or further platting or subdivision, in which case the overall density shall be calculated by dividing the overall gross acres of the Lot or Lots (including streets, roads, driveways, outlots and common areas, but excluding Old Cheney Road and South 70th Street right-of-way) by the number of proposed residences, and the quotient shall be equal to or greater than 9/10th of an acre (39,204 square feet) per residence.

"Lot" or "Lots" shall mean a Lot of Record.

"Lot Owner" individually refers to and "Lot Owners" collectively refer to Embury, Goracke, Oldfather, Griess, Beck and Dimon the owners of the Lots of Record, and their Successors.

"Lot of Record" shall mean any lot, parcel or tract of land which is described by the Lot Owner's signatures below and which may be subsequently and lawfully created by platting or subdivision in accordance with the Average Permitted Density or Permitted Density.

"Permitted Density" shall be 9/10th of an acre (39,204 square feet) or more per residential Lot, including one half of any abutting street or road (excluding Old Cheney Road and South 70th Street).

"Property" shall collectively include each and every Lot of Record described by the signatures below for which the Lot Owner executes these Covenants.

"Successors" shall mean the subsequent interest holder of a Lot, whether such interest is acquired, transferred, purchased, leased, conveyed, adversely possessed, or a tenant in possession, by written document or by operation of law.

II. DECLARATION

The Lot Owners are the present titleholders of the Property and do hereby declare that the Property shall be held, transferred, sold, leased, conveyed, occupied and owned subject to the covenants and restrictions hereinafter set forth, which shall run with the Property.

III. COVENANTS

- 1. <u>Lots or Record</u>. The Lot Owners hereby covenant and agree that the following restrictions and limitations shall apply to each Lot of Record as follows:
 - a. <u>Permitted Use</u>. A Lot of Record and any improvements thereon may only be used for single family residential purposes; provided that, Accessory Buildings shall be permitted. Each Lot of Record shall be permitted one single family residence and said residence shall not exceed two stories above grade and shall be constructed with a pitched roof.
 - b. <u>Density</u>. A Lot of Record may be further lawfully platted or subdivided into one or more Lots in conformance with the City of Lincoln's zoning and subdivision ordinances and regulations; provided that the density of each Lot shall either comply with the Permitted Density or the Average Permitted Density. A Lot Owner utilizing any lawful clustering technique that meets the Average Permitted Density from a Lot of Record but has one or more Lots that do not meet the Permitted Density must file a notice with the Lancaster County Register of Deeds Office as provided in subparagraph c. below.

- c. <u>Notice of Clustering.</u> In the event a Lot Owner uses clustering techniques in accordance with governmental land use laws as specified in subparagraph b. above, then the Lot Owner shall file a written, notarized notice at the Lancaster County Register of Deeds Office which includes the Lots' legal descriptions and states that the Average Permitted Density for the Lot or Lots was calculated as required above, and said notice must contain a certification from a licensed engineer or certified land surveyor that the Lot or Lots comply with the Average Permitted Density.
- d. <u>Signs</u>. No permanent advertising signs or devices, except for "for sale", "for lease", or regulatory signs shall be permitted on any Lot, unless prior written approval is granted by a majority of the Lot Owners.
- 2. <u>Property</u>. No noxious or offensive activity shall be conducted or permitted upon any Lot or upon the Property, nor anything which is or may become an annoyance or nuisance to any other Lot Owner or which endangers the health or unreasonably disturbs the neighboring Lots.

IV. MISCELLANEOUS PROVISIONS

- 1. <u>Duration and Amendment of Covenants</u>. These Covenants, unless otherwise stated herein, shall continue and remain in full force and effect for a period of twenty (20) years from and after the date of recordation of these Covenants with the Lancaster County Register of Deeds Office, and shall be automatically extended for successive periods of five (5) years thereafter, unless an instrument executed and approved by 2/3 of the Lot Owners is recorded with the Lancaster County Register of Deeds Office, agreeing to terminate or amend these Covenants.
- 2. <u>Enforcement</u>. The enforcement of these Covenants shall be by proceedings at law or in equity against any person or persons violating or attempting to violate any provisions hereof. Such proceedings may be to restrain such violation or to recover damages. If any action is brought in any court to enforce the terms or provisions of any of these Covenants, and if the person instituting such proceeding is successful, that person shall be entitled to all costs and fees, including reasonable attorney fees, incurred in connection with such proceeding.
- 3. <u>Severability</u>. The invalidation of any one of the covenants and restrictions contained herein shall not affect the validity of the remaining provisions hereof which shall remain in full force and effect.
- 4. <u>Waiver</u>. No delay or omission on the part of the Lot Owners in exercising any rights, power or remedy provided in these Covenants shall be construed as a waiver of thereof or acquiescence therein.
- 5. <u>Successors and Assigns</u>. These Covenants shall run with the Properties and shall be binding upon and shall inure to the benefit of the parties hereto and their respective heirs, legatees, devisees, personal representatives, Successors and assigns.

- 6. <u>Further Assurances</u>. Each of the undersigned parties shall cooperate in good faith with the other and shall do any and all other acts and execute, acknowledge and deliver any and all documents so requested in order to satisfy the conditions set forth herein and carry out the intent and purpose of these Covenants.
- 7. Governing Law. These Covenants shall be construed in accordance with the laws of the State of Nebraska.
- Additional Lands: Sheldon Heights and Fairchild. Any owner of a lot of record equal to or exceeding 9/10th of an acre (39,204 square feet) in (i) Sheldon Heights, a subdivision in the West Half of the Northeast Quarter of Section 16, Township 9 North, Range 7 East of the 6th P.M., Lincoln, Lancaster County, Nebraska as may be modified or subdivided from time to time (individually and collectively "Sheldon Heights Property Owner") or (ii) in Lot 70 I.T., Section 16, Township 9 North, Range 7 East of the 6th P.M., Lincoln, Lancaster County. Nebraska (individually and collectively "Fairchild Property Lot Owner") may, at any time, become a "Lot Owner" under these Protective Covenants and have their lot of record become a "Lot" hereunder and added to the definition of "Property" hereunder and become bound to and be able to enforce these Protective Covenants with the prior consent or approval of a majority of the other Lot Owners defined herein. Such additions shall only be made by the applicable Sheldon Heights Property Lot Owner or Fairchild Property Lot Owner upon execution and recordation of an addendum to these Protective Covenants, including the legal description of the additional real estate to these Protective Covenants and a declaration that a majority of the other Lot Owners have consented, at the Register of Deeds, Lancaster County, Nebraska. Upon proper execution and recording, the additional real estate of the applicable Sheldon Heights Property Lot Owner or Fairchild Property Lot Owner shall be bound to the covenants and restrictions of these Protective Covenants.

IN WITNESS WHEREOF, these Covenants are executed this 3 day of 2000.

Lot 55 I.T., Section 16, Township 9 North, Range 7 East of the 6th P.M., Lancaster

County, Nebraska

"LOT OWNERS"

| STATE OF NEBRASKA |)) ss. | GENERAL NOTARY-State of Nebraska ROBERT J. EDIGER |
|---|-------------|---|
| COUNTY OF LANCASTER |) | My Comm Exp Oct 10, 2002 |
| The foregoing was acknow Alan S. Embury, a single person. | vledged bef | ore me this 3 day of October, 2000, by |
| | | Notary Public |

| Lot 71 I.T., Section 16, Township 9 Range 7 East of the 6 th P.M., Lancas County, Nebraska | | Vincent L. Goracke Janice L. Goracke Janice L. Goracke | | |
|--|----------------|--|--|--|
| STATE OF NEBRASKA |)) ss. | GENERAL NOTARY-State of Nebraska ROBERT J. EDIGER | | |
| COUNTY OF LANCASTER |) = | My Comm Exp Oct 10, 2002 | | |
| The foregoing was acknowledged before me this 3 day of Octobee, 2000, by Vincent L. Goracke, a married person. | | | | |
| | | Notary Public Chip | | |
| STATE OF NEBRASKA |)) ss. | GENERAL NOTARY-State of Nebraska | | |
| COUNTY OF LANCASTER |) 33. | ROBERT J. EDIGER My Comm Exp Oct 10, 2002 | | |
| The foregoing was acknowled Janice L. Goracke, a married person | | ne this 3 day of Octobre, 2000, by Notary Public | | |
| Lot 54, I.T., Section 16, Township 9 Range 7 East of the 6th P.M., Lancas County, Nebraska | | Dane Oldfather Diane Oldfather | | |
| STATE OF NEBRASKA |) | | | |
| COUNTY OF LANCASTER |) ss.) | | | |
| Diane Oldfather, an individual. A GENERAL NOTARY-State of Nebraska | edged before m | ne this 4th day of October, 2000, by | | |
| RONDALYN K. MITCHELL My Comm. Exp. Aug. 30, 2004 | | Notary Public | | |

| Lot 52, I.T., Section 16, Township 9 N Range 7 East of the 6th P.M., Lancaste County, Nebraska | |
|---|---|
| STATE OF NEBRASKA |)) ss. |
| COUNTY OF LANCASTER |) 55.) |
| The foregoing was acknowled Barbara K. Griess, a married person. GENERAL NOTARY-State of Nebraska RONDALYN K. MITCHELL My Comm. Exp. Aug. 30, 2004 | ged before me this 3rd day of October, 2000, by Pordala Notary Public |
| STATE OF NEBRASKA) COUNTY OF LANCASTER) | SS. |
| The foregoing was acknowledge Herbert C. Griess, Jr., a married person | ged before me this Zuday of October, 2000, by n. |
| GENERAL NOTARY-State of Nebraska KENT SEACREST My Comm. Exp. Oct. 27, 2001 | Notary Public |
| Lot 57 I.T., Section 16, Township 9 N Range 7 East of the 6th P.M., Lancaster County, Nebraska | Holly K. Beck (win limitations - Dec Delose) |
| STATE OF NEBRASKA) | These signatures are contingent upon the city's approve of the currently proposed plat is rural street design, or ss. acre lots (5 total for the Best projects) |
| COUNTY OF LANCASTER) | The signatures will become null and void of the above is not approved for subdivision by 12/3/100 |
| The foregoing was acknowledg Robert W. Beck, a married person. | ged before me this 312 day of October, 2000, by |
| GENERAL NOTARY-State of Nebraska RONDALYN K. MITCHELL My Comm. Exp. Aug. 30, 2004 | Rondaly & Mitchell Notary Public |

| STATE OF NEBRASKA |)) ss. |
|--|---|
| COUNTY OF LANCASTER |) |
| The foregoing was acknowled Holly K. Beck, a married person. GENERAL NOTARY-State of Nebraska RONDALYN K. MITCHELL My Comen. Exp. Aug. 30, 2004 | edged before me this 3 rd day of October, 2000, by Andala K. Nutchell Notary Public |
| Lot 139 I.T., Section 16, Township Range 7 East of the 6 th P.M., Lancas County, Nebraska | · · · · · · · · · · · · · · · · · · · |
| STATE OF NEBRASKA |)) ss. |
| COUNTY OF LANCASTER |) |
| The foregoing was acknowled Karen T. Dimon, Trustee. | edged before me this 44 day of October, 2000, by |
| GENERAL NOTARY-State of Nebraska RONDALYN K. MITCHELL My Comm. Exp. Aug. 30, 2004 | Notary Public |

MOTION TO AMEND

I hereby move to amend the Conditions recommended by the Lincoln City/Lancaster County Planning Staff Report for P.A.S.#: Hawkswood Estates Preliminary Plat #00001 to read as follows:

CONDITIONS:

Site Specific:

- 1. After the subdivider completes the following instructions and submits the documents and plans to the Planning Department office, the preliminary plat will be scheduled on the City Council's agenda: (NOTE: These documents and plans are required by ordinance or design standards.)
 - 1.1 Revise the preliminary plat to show:
 - 1.1.1 Pinecrest Drive extended north to Stevens Ridge Road and east to S. 68th Street.

Should the Planning Commission choose not to require the street extensions as an alternative require a 60' wide corridor extending north from the proposed permanent dead end of Pinecrest to Stevens Ridge Road and east from Pinecrest to S. 68th Street to reserve an area for future streets and utilities.

Pursuant to the Fire Department request, provide fire hydrants pursuant to the City of Lincoln's Design Standards and add a note stating that the Applicant understands and agrees to limit parking to only one side of Pinecrest Drive.

- 1.1.2 The depth of the sanitary sewer not be more than 15' deep.
- 1.1.3 The on-site water system designed to conform to design standards to prevent problems of varying water pressure, potential stagnant water and potential fire flow problems. The water main shown east and north of Pinecrest Place must have a minimum 30' wide easement.
- 1.1.4 Provide all drainage calculations including storm water detention calculations as required by the Land Subdivision Ordinance.

- 1.1.5 The grading plan designed to match proposed and existing street grades in 70th Street & Old Cheney Road and the approved street cross section.
- 1.1.6 Add a note stating the elevation of the headwater behind the culvert in Hawkswood Circle and the potential flood elevation in Lot 8, Block 2 and stating that the lowest opening to the dwelling on the lot will be above the low point in Hawkswood Circle.
- 1.1.7 Sidewalks located on at least one side of the interior streets.
- 1.1.8 The grading for the driveway and storm sewer for Lot 23, Block 2.
- 1.1.9 The street cross section designed to provide an area for a sidewalk on at least one side and as acceptable to the Public Works & Utilities Department.
- 1.1.10 The word "roadway" changed to "street" in note #5.
- 1.1.11 The street trees and landscape screens located outside the future right-of-way of Old Cheney Road and S. 70th Street and the species changed for Hawkswood Circle and Pinecrest Place as recommended by the Parks & Recreation Department.
- 1.1.12 Utility easements requested by the Feb. 2. '01 LES report.
- 1.1.13 The width of Old Cheney Road and S. 70th Street are labeled as 50' from the centerline of the street.
- 1.1.14 S. 68th Street extended north through the area to Steve Ridge Road.
- 1.1.15 If Pinecrest Drive is approved as a permanent dead end street the name is changed to include the suffix Circle, Court, Place, or Bay. The land owners abutting the existing street agree in writing to the new name.
- 1.1.16 Public water main extended to serve the lots along South 68th Street Circle.
- 1.1.17 Add a note indicating that Outlot A is a non-buildable lot and shall be maintained on a permanent and continuous basis by an association of property owners and approved by the City Attorney. As an alternative Lot 15 Block 2 is expanded to include all of Outlot A.
- 2. The City Council approves associated request:
 - 2.1 Change of Zones #3238.

2.2 Waivers:

- 1. Increase the street lighting interval beyond the 240' maximum to 480-500'. (Lincoln Electric System Administrative Policies in the Land Subdivision Design Standards)
- 2. Increase the roadway approach grades beyond 2% maximum to 3%. (Urban Street Design Standards Vertical Grades in the Land Subdivision Deign Standards)
- 3. Sidewalks along only one side of the interior streets. (Section 26.27.020 of the Land Subdivision Ordinance)
- 4. Eliminate curb & gutters for the streets and allow rural roadway cross section. (Section 26.27.010 of the Land Subdivision Ordinance)
- 5. Allow the water mains and sanitary sewers to be located 15.5' from centerline rather than the standard 17'. (Water Main Design Criteria Location and Sanitary Sewer Design and Construction Manual Location in the Land Subdivision Design Standards)
- 6. Allow the roadside ditches to carry the storm water rather than storm sewers provided the abutting property owners are responsible for the maintenance of the roadway side ditches and the culverts. (Stormwater Drainage Design Standards Location and Alignment in the Land Subdivision Design Standards)
- 7. Allow the transfer of sanitary sewerage from one drainage basin into another basin provided the depth of the sewer does not exceed 15'. (Sanitary Sewer Design and Construction Manual Drainage Area Restrictions in the Land Subdivision Design Standards)
- Increase block lengths beyond the 1,320' maximum for Stevens Ridge Road. (Section 26,23.130 Block Sizes of the Land Subdivision Ordinance)
- 9. Increase the length of permanent dead end streets beyond 1000' maximum. (Section 26.23.080 Dead-end Streets of the Land Subdivision Ordinance)
- 3. The City Council deny the following requested waivers:
 - 1. Increase block lengths beyond the 1,320' maximum. (Section 26.23.130 Block Sizes of the Land Subdivision Ordinance).

2. Increase the length of permanent dead end streets beyond 1000's maximum. (Section 26.23.080 Dead end Streets of the Land Subdivision Ordinance).

General:

- 3. Final Plats will be scheduled on the Planning Commission agenda after:
 - 3.1 Streets, sidewalks, public water distribution system, public wastewater collection system, drainage facilities, ornamental street lights, landscape screens, street trees, temporary turnarounds and barricades, street name signs, and permanent survey monuments have been completed or the subdivider has submitted a bond or an approved escrow of security agreement to guarantee their completion.
 - 3.2 The off site water mains and sanitary sewers are extended to the site or a method that guarantees the construction of the extension of the water mains and sanitary sewers to the site has been approved by the City.
 - 3.3 The subdivider has signed an agreement that binds the subdivider, its successors and assigns:
 - 3.3.1 To submit to the Director of Public Works an erosion control plan.
 - 3.3.2 To protect the remaining trees on the site during construction and development.
 - 3.3.3 To pay all improvement costs except those costs the City Council specifically subsidizes.
 - 3.3.4 To submit to lot buyers and home builders a copy of the soil analysis.
 - 3.3.5 To continuously and regularly maintain street trees and landscape screens that are located adjacent to Old Cheney Road and S. 70th Street.
 - 3.3.6 To complete the private improvements shown on the preliminary plat.
 - 3.3.7 To maintain the outlots and private improvements on a permanent and continuous basis. However, the subdivider may be relieved and discharged of this maintenance obligation upon creating in writing a permanent and continuous association of property owners who would be responsible for said permanent and continuous maintenance. The subdivider shall not be relieved of such maintenance obligation until the document or documents creating said property owners association have been reviewed and approved by the City Attorney and filed of record with the Register of Deeds.

- 3.3.8 To relinquish the right of direct vehicular access from those lots abutting Old Cheney Road and S. 70th Street.
- 3.3.9 To comply with the provisions of the Land Subdivision Ordinance regarding land preparation.
- 3.3.10 To continuously and regularly maintain the roadside ditches and drive culverts.

| | Introduced by: |
|---------------------------------|----------------|
| | |
| | |
| Approved as to Form & Legality: | |
| City Attorney | |
| Staff Review Completed: | |
| Administrative Assistant | |

5

Requested by: SEACREST & KALKOWSKI, P.C.

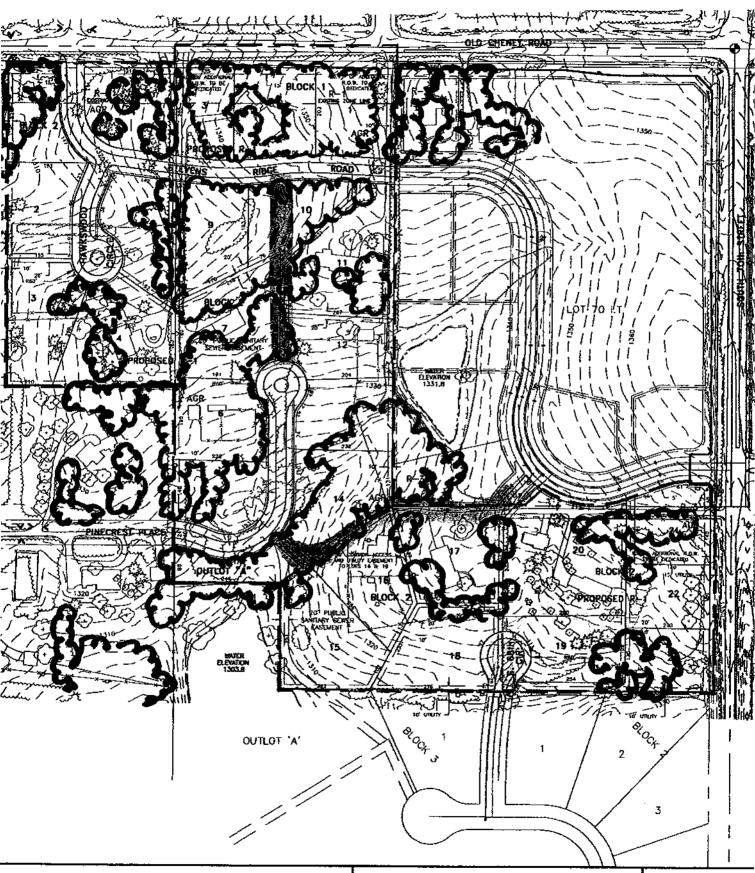
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SUBMITTED AT CONTINUED PUBLIC HEARING BEFORE PLANNING COMMISSION: 3/21/01

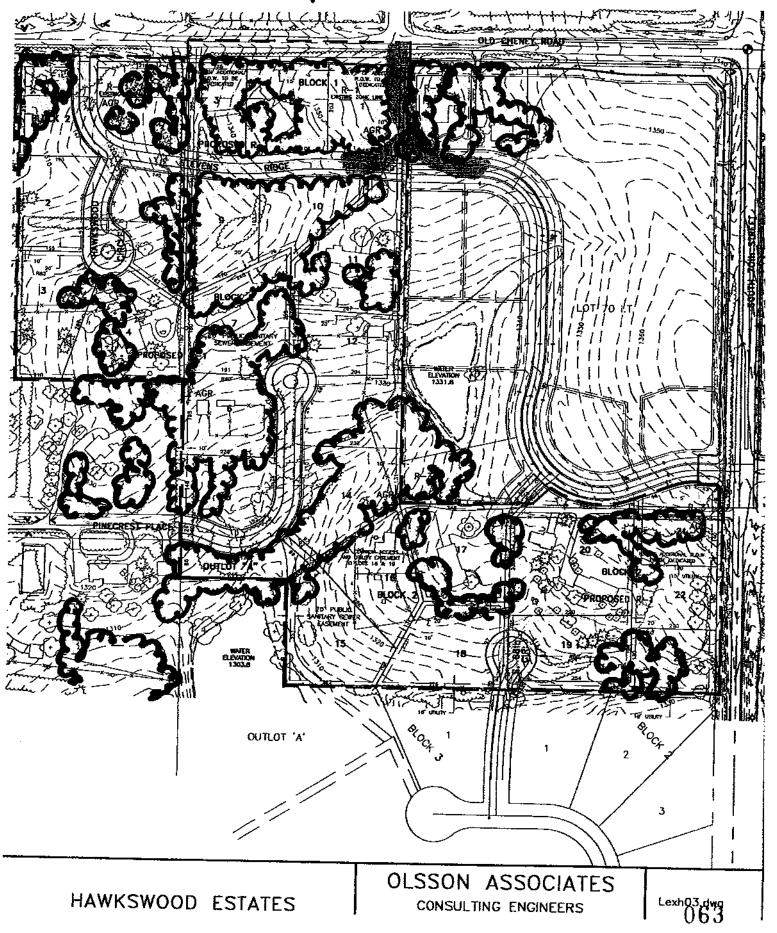
PRELIMINARY PLAT NO. 00001

Extension

BEFORE PLANNING COMMISSION: 3/21/01
BY
KENT
SEACREST



Hickory Crest Access



5. 68# Street Extension

